

Introduced: 1/19/83  
Referred: State Affairs and  
Judiciary

1 IN THE SENATE

BY JOSEPHSON AND KELLY

2

SENATE BILL NO. 61

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to driving a motor vehicle."

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

8 \* Section 1. AS 28.15.081(a) is amended to read:

9 (a) The department shall examine every applicant for a driver's  
10 license. The examination shall include (1) a test of the applicant's  
11 eyesight, (2) a test of the applicant's [HIS] ability to read and  
12 understand official traffic control devices, (3) the applicant's [HIS]  
13 knowledge of safe driving practices, (4) the applicant's knowledge of  
14 the effects of alcohol and drugs on drivers and the dangers of driving  
15 under the influence of alcohol or drugs, (5) the applicant's knowledge  
16 of the laws relating to driving while intoxicated, and the traffic  
17 laws and regulations of this state. The examination [, AND] may  
18 include a demonstration of ability to exercise ordinary and reasonable  
19 control in the driving of a motor vehicle of the type and general  
20 class of vehicles for which the applicant seeks a license. However,  
21 an applicant who has not been previously issued a driver's license by  
22 this or another jurisdiction must demonstrate [HIS] ability, and must  
23 present medical information that [WHICH] the department reasonably  
24 requires to determine [HIS] fitness to safely drive a motor vehicle of  
25 the type and general class of vehicles for which the applicant [HE]  
26 seeks a license.

27 \* Sec. 2. AS 28.15.181(a) is amended by adding a new paragraph to read:

28 (8) refusal to submit to a chemical test of breath under

29 AS 28.35.032.

1 \* Sec. 3. AS 28.15.181(c) is repealed and reenacted to read:

2 (c) A court convicting a person of an offense under (a)(5) or  
3 (a)(8) of this section shall revoke that person's driver's license and  
4 may not grant limited license privileges for the following periods:

5 (1) not less than 90 days if the person has not previously  
6 been convicted of an offense

7 (A) under (a)(5) of this section;

8 (B) under (a)(8) of this section;

9 (C) in another jurisdiction with elements substan-  
10 tially similar to an offense under (a)(5) of this section; or

11 (D) in another jurisdiction with elements substan-  
12 tially similar to an offense under (a)(8) of this section;

13 (2) not less than one year if the person has been previous-  
14 ly convicted of one offense

15 (A) under (a)(5) of this section;

16 (B) under (a)(8) of this section;

17 (C) in another jurisdiction with elements substan-  
18 tially similar to an offense under (a)(5) of this section; or

19 (D) in another jurisdiction with elements substan-  
20 tially similar to an offense under (a)(8) of this section;

21 (3) permanently if the person has been previously convicted  
22 of more than one of the following offenses or has more than once been  
23 previously convicted of one of the following offenses:

24 (A) an offense under (a)(5) of this section;

25 (B) an offense under (a)(8) of this section;

26 (C) an offense in another jurisdiction with elements  
27 substantially similar to an offense under (a)(5) of this section;

28 or

29 (D) an offense in another jurisdiction with elements

1 substantially similar to an offense under (a)(8) of this section.

2 \* Sec. 4. AS 28.15.201(b)(1) is amended to read:

3 (1) require the surrender of the driver's license [AND, IF  
4 THE PERSON IS CONVICTED OF AN OFFENSE UNDER AS 28.15.181(a)(5), REVOKE  
5 THAT PERSON'S LICENSE FOR A PERIOD OF NOT LESS THAN 60 DAYS]; and

6 \* Sec. 5. AS 28.15.201(c) is amended to read:

7 (c) After the termination of a limitation as shown on the certi-  
8 ficate issued under (b) of this section, a person on whom a limitation  
9 was imposed is no longer bound by the limitation and may apply for a  
10 duplicate license under AS 28.15.141 [OR, IF OTHERWISE ELIGIBLE, FOR A  
11 NEW LICENSE IF THE LICENSE WAS REVOKED FOR CONVICTION OF AN OFFENSE  
12 UNDER AS 28.15.181(a)(5) AND LIMITED LICENSE PRIVILEGES WERE GRANTED  
13 UNDER AS 28.15.181(c)].

14 \* Sec. 6. AS 28.15.291 is amended to read:

15 Sec. 28.15.291. DRIVING WHILE LICENSE CANCELED, SUSPENDED,  
16 REVOKED OR IN VIOLATION OF LIMITATION. (a) A [NO] person may not  
17 drive a motor vehicle on a highway or vehicular way or area in this  
18 state at a time when that person's [HIS] driver's license, or privi-  
19 lege to drive in this state if [HE IS] licensed in another jurisdic-  
20 tion, has been canceled, suspended or revoked, or when [HE IS] driving  
21 in violation of a limitation placed upon that person's [HIS] license,  
22 even when [HE IS] driving under a license issued in another jurisdic-  
23 tion. Upon conviction of a violation of this section, the court shall  
24 impose a minimum sentence of imprisonment of not less than 14 consecu-  
25 tive days and a fine of not less than \$500 nor more than \$1,000 [10  
26 DAYS]. The execution of sentence may not be suspended nor may proba-  
27 tion or parole be granted until the minimum imprisonment provided in  
28 this section has been served; nor may imposition of sentence be sus-  
29 pended [, EXCEPT UPON THE CONDITION THAT THE DEFENDANT BE IMPRISONED

1 FOR NO LESS THAN THE MINIMUM PERIOD PROVIDED FOR IN THIS SECTION]. In  
2 addition, the person's [HIS] license or privilege to drive shall be  
3 revoked, and the person [HE] may not be issued a new license nor may  
4 the [HIS] privilege to drive be restored for an additional period of  
5 one year after the date that the person [HE] would have been entitled  
6 to restoration of [HIS] driving privileges.

7 (b) When a person's license is canceled, limited, suspended or  
8 revoked, that person [HE] shall be informed by the department or the  
9 court that [WHICH] takes the action at the time of the action that,  
10 upon a conviction of driving on a highway or vehicular way or area in  
11 this state at a time when that person's [HIS] driver's license or  
12 privilege to drive in this state has been canceled, suspended or  
13 revoked, or upon a conviction of driving in violation of a limitation  
14 of the [HIS] license, that person [HE] will be subject to the manda-  
15 tory 14-day [10-DAY] imprisonment under (a) of this section.

16 \* Sec. 7. AS 28.35.030(a)(2) is amended to read:

17 (2) when, as determined by a chemical test given within  
18 four hours after the alleged offense was committed, there is 0.10  
19 percent or more by weight of alcohol in that person's [HIS] blood or  
20 100 milligrams or more of alcohol per 100 milliliters of that person's  
21 [HIS] blood, or when there is 0.10 grams or more of alcohol per 210  
22 liters of that person's [HIS] breath; or

23 \* Sec. 8. AS 28.35.030(c) is amended to read:

24 (c) Upon conviction under this section the court shall impose a  
25 minimum sentence of imprisonment of not less than 72 consecutive hours  
26 and a fine of not less than \$250 nor more than \$500 if the person has  
27 not been previously convicted in this or another jurisdiction of  
28 driving while intoxicated or of refusal to submit to a chemical test  
29 of breath under AS 28.35.032 or another law or ordinance with

1 substantially similar elements. Upon [A SUBSEQUENT] conviction under  
2 this section the court shall impose a minimum sentence of imprisonment  
3 of not less than 20 consecutive days and a fine of not less than \$500  
4 nor more than \$1,000 if the person has been previously convicted once  
5 in this or another jurisdiction [WITHIN FIVE YEARS AFTER A CONVICTION]  
6 of driving while intoxicated [IN THIS OR ANY OTHER STATE] or [CONVIC-  
7 TION] of refusal to submit to a chemical test of breath under AS 28.-  
8 35.032 or another law or ordinance with substantially similar ele-  
9 ments. Upon conviction under this section [,] the court shall impose  
10 a minimum sentence of imprisonment of not less than 30 [10] consecu-  
11 tive days and a fine of not less than \$1,000 nor more than \$2,500 if  
12 the person has been previously convicted in this or another jurisdic-  
13 tion of more than one of the following offenses or has more than once  
14 been previously convicted of one of the following offenses: (1)  
15 driving while intoxicated; or (2) refusal to submit to a chemical test  
16 of breath under AS 28.35.032 or another law or ordinance with substan-  
17 tially similar elements [UNLESS THE SUBSEQUENT CONVICTION IS WITHIN  
18 ONE YEAR OF THE PREVIOUS CONVICTION, IN WHICH CASE THE COURT SHALL  
19 IMPOSE A MINIMUM SENTENCE OF IMPRISONMENT OF NOT LESS THAN 20 CONSECU-  
20 TIVE DAYS]. The execution of sentence may not be suspended nor may  
21 probation be granted until the minimum imprisonment provided in this  
22 section has been served. Imposition of sentence may not be suspended  
23 [, EXCEPT UPON THE CONDITION THAT THE DEFENDANT BE IMPRISONED FOR NO  
24 LESS THAN THE MINIMUM PERIOD PROVIDED IN THIS SECTION]. In addition,  
25 the person's driver's [HIS OPERATOR'S] license shall be revoked in  
26 accordance with AS 28.15.181 and the vehicle used in commission of the  
27 offense shall be impounded and may be forfeited in accordance with  
28 AS 28.35.036. In addition, a person convicted under this section  
29 [STATUTE] shall undertake, for a term specified by the court, that

1 program of alcohol education or rehabilitation that [WHICH] the court,  
2 after consideration of any information compiled under (d) of this  
3 section, finds appropriate.

4 \* Sec. 9. AS 28.35.032(a) is amended to read:

5 (a) If a person under arrest refuses the request of a law en-  
6 forcement officer to submit to a chemical test of breath as provided  
7 in AS 28.35.031, after being advised by the officer that the refusal  
8 will, if that person was arrested while operating or driving a motor  
9 vehicle, result in the suspension, denial or revocation of the license  
10 or nonresident privilege to drive, that the refusal may be used  
11 against the person in a civil or criminal action or proceeding arising  
12 out of an act alleged to have been committed by the person while  
13 operating or driving a motor vehicle or operating an aircraft or a  
14 watercraft while intoxicated, and that the refusal is a misdemeanor, a  
15 chemical test shall not be given, except as provided by AS 28.35.035.

16 If the person under arrest refuses to submit to the chemical test and  
17 has a driver's license, the law enforcement officer shall seize that  
18 person's driver's license. The law enforcement officer shall read a  
19 notice and deliver a copy to the person. The notice shall advise that

20 (1) the state intends to revoke the person's driver's  
21 license;

22 (2) the person has the right to obtain court review of the  
23 revocation;

24 (3) the notice itself is a temporary driver's license that  
25 expires seven days after receipt of the notice by the person;

26 (4) revocation of the person's driver's license shall take  
27 effect upon expiration of the temporary driver's license unless the  
28 person within seven days initiates court proceedings to rescind the  
29 revocation.

1 \* Sec. 10. AS 28.35.032(b) is amended to read:

2 (b) Upon receipt of a sworn report of a law enforcement officer  
3 that a person has refused to submit to a chemical test authorized  
4 under AS 28.35.031, containing a statement of the circumstances sur-  
5 rounding the arrest and the grounds upon which the law enforcement  
6 officer's belief was based that the person was [OPERATING OR] driving  
7 while intoxicated [A MOTOR VEHICLE IN VIOLATION OF AS 28.35.030], the  
8 Department of Public Safety shall notify the person that the person's  
9 license or nonresident privilege to drive or operate a motor vehicle  
10 in the state is revoked or suspended, or that no original license or  
11 permit will be issued effective upon expiration of the temporary  
12 driver's license issued under (a) of this section. The department's  
13 action under this subsection shall be stayed if the person before  
14 expiration of the temporary driver's license initiates [FOR THREE  
15 MONTHS IN THE SAME NOTICE THE DEPARTMENT SHALL INFORM THE PERSON THAT  
16 THE PERSON MAY INITIATE] a proceeding in the district court to rescind  
17 the department's action. The court proceeding shall be without jury  
18 and shall be limited to the issues of whether

19 (1) the arresting officer had reasonable grounds to believe  
20 the arrested person had been [OPERATING OR] driving [A MOTOR VEHICLE  
21 IN THE STATE] while intoxicated;

22 (2) the arrested person refused to submit to the breath  
23 test upon request of the officer after being advised that refusal  
24 would result in the suspension, revocation, or denial of the person's  
25 license or nonresident privilege to drive and that the refusal is a  
26 misdemeanor; and

27 (3) the accused defendant was informed fairly of the nature  
28 of the tests, the accuracy of the methods, instruments [MACHINES],  
29 equipment involved, the expertise of the person administering the

1 tests, or operator of the instruments [MACHINES], and the accused  
2 given such other reasonable information as may be requested by the  
3 accused.

4 \* Sec. 11. AS 28.35.032(d) is amended to read:

5 (d) If the person who refuses to submit to the chemical test  
6 authorized by AS 28.35.031 has not been previously convicted in this  
7 or another jurisdiction of driving while intoxicated or of refusal to  
8 submit to a chemical test of breath under this or another law or  
9 ordinance with substantially similar elements, the period of suspen-  
10 sion or revocation of license, nonresident privilege to drive, or  
11 denial of original license shall be 90 days. If the person who re-  
12 fuses to submit to the chemical test [AUTHORIZED BY AS 28.35.031] has  
13 been previously convicted once in this or another jurisdiction [ANY  
14 OTHER STATE] of [OPERATING OR] driving [A MOTOR VEHICLE] while intoxi-  
15 cated or of refusal to submit to a chemical test of breath under this  
16 or another law or ordinance with substantially similar elements [SEC-  
17 TION], the period of suspension or revocation of [FOR HIS] license,  
18 nonresident privilege to drive, or denial of original license shall be  
19 one year. Suspension or revocation of license, nonresident privilege  
20 to drive, or denial of original license shall be permanent if the  
21 person who refuses to submit to the chemical test has been previously  
22 convicted in this or another jurisdiction of more than one of the  
23 following offenses or has been more than once previously convicted of  
24 one of the following offenses:

25 (1) driving while intoxicated; or

26 (2) refusal to submit to a chemical test of breath under  
27 this or another law or ordinance with substantially similar elements.

28 \* Sec. 12. AS 28.35.032(g) is amended to read:

29 (g) Upon conviction of a person under this section, the court

1 shall impose a minimum sentence of imprisonment of not less than 72  
2 consecutive hours and a fine of not less than \$250 nor more than \$500  
3 if the person has not been previously convicted in this or another  
4 jurisdiction of driving while intoxicated or of refusal to submit to a  
5 chemical test of breath under this or another law or ordinance with  
6 substantially similar elements. Upon [A SUBSEQUENT] conviction under  
7 this section the court shall impose a minimum sentence of imprisonment  
8 of not less than 20 consecutive days and a fine of not less than \$500  
9 nor more than \$1,000 if the person has been previously convicted once  
10 in this or another jurisdiction [WITHIN FIVE YEARS AFTER A CONVICTION  
11 UNDER THIS SECTION OR] of driving while intoxicated or of refusal to  
12 submit to a chemical test of breath under this or another law or  
13 ordinance with substantially similar elements. Upon conviction under  
14 this section the court shall impose a minimum sentence of imprisonment  
15 of not less than 30 consecutive days and a fine of not less than  
16 \$1,000 nor more than \$2,000 if the person has been previously con-  
17 victed in this or another jurisdiction of more than one of the follow-  
18 ing offenses or has more than once been previously convicted of one of  
19 the following offenses: (1) driving while intoxicated; or (2) refusal  
20 to submit to a chemical test of breath under this or another law or  
21 ordinance with substantially similar elements [IN THIS OR ANY OTHER  
22 STATE, THE COURT SHALL IMPOSE A MINIMUM SENTENCE OF IMPRISONMENT OF  
23 NOT LESS THAN 10 CONSECUTIVE DAYS UNLESS THE SUBSEQUENT CONVICTION IS  
24 WITHIN ONE YEAR OF THE PREVIOUS CONVICTION, IN WHICH CASE THE COURT  
25 SHALL IMPOSE A MINIMUM SENTENCE OF IMPRISONMENT OF NOT LESS THAN 20  
26 CONSECUTIVE DAYS]. The execution of sentence may not be suspended nor  
27 may probation be granted until the minimum imprisonment provided in  
28 this section has been served. Imposition of sentence may not be  
29 suspended [, EXCEPT UPON THE CONDITION THAT THE DEFENDANT BE

1 IMPRISONED FOR NO LESS THAN THE MINIMUM PERIOD PROVIDED IN THIS SEC-  
2 TION]. In addition, a person convicted under this section shall  
3 undertake, for a term specified by the court, that program of alcohol  
4 education or rehabilitation that the court, after consideration of any  
5 information compiled under (h) of this section, finds appropriate.  
6 The sentence imposed by the court under this subsection shall run  
7 consecutively with any other sentence of imprisonment imposed on the  
8 committed person.

9 \* Sec. 13. AS 28.35.033 is amended by adding new subsections to read:

10 (g) If a chemical test administered under this section produces  
11 results described under AS 28.35.030(a)(2) and the person has a  
12 driver's license, the law enforcement officer shall seize the person's  
13 driver's license. The law enforcement officer shall read a notice and  
14 deliver a copy to that person. The notice shall advise that

15 (1) the state intends to revoke the person's driver's  
16 license;

17 (2) the person has the right to obtain court review of the  
18 revocation;

19 (3) the notice itself is a temporary driver's license that  
20 expires seven days after receipt of the notice by the person;

21 (4) revocation of the person's driver's license shall take  
22 effect upon expiration of the temporary driver's license unless the  
23 person within seven days initiates court proceedings to rescind the  
24 revocation.

25 (h) Upon receipt of a sworn report of a law enforcement officer  
26 that a chemical test administered under this section produced results  
27 described under AS 28.35.030(a)(2), containing a statement of the  
28 circumstances surrounding the arrest and the grounds upon which the  
29 law enforcement officer's belief was based that the person was driving

1 while intoxicated, the Department of Public Safety shall notify the  
2 person that the person's license or nonresident privilege to drive or  
3 operate a motor vehicle in the state is revoked or suspended, or that  
4 no original license or permit will be issued effective upon expiration  
5 of the temporary driver's license issued under (g) of this section.  
6 The department's action under this subsection shall be stayed if the  
7 person before expiration of the temporary driver's license initiates a  
8 proceeding in the court to rescind the department's action. The court  
9 proceeding shall be without jury and shall be limited to the issues of  
10 whether

11 (1) the person was validly arrested for driving while  
12 intoxicated;

13 (2) the chemical test administered to the person produced  
14 the result described under AS 28.35.030(a)(2).

15 (i) If the issues set out in (h) of this section are determined  
16 in the affirmative, the court shall sustain the action of the depart-  
17 ment. If one or more of the issues are determined in the negative,  
18 the department's action shall be rescinded. If the action of the  
19 department in suspending or revoking a nonresident's privilege to  
20 drive a motor vehicle is sustained by the court, the department shall  
21 give information in writing of the action taken to the motor vehicle  
22 administrator of the state of the person's residence and to any state  
23 in which that person has a license.

24 (j) If the person has been previously convicted once in this or  
25 another jurisdiction of driving while intoxicated or of refusal to  
26 submit to a chemical test of breath under AS 28.35.032 or another law  
27 or ordinance with substantially similar elements, the period of sus-  
28 pension or revocation of license, nonresident privilege to drive, or  
29 denial of original license shall be one year. Suspension or

1 revocation of license, nonresident privilege to drive, or denial of  
2 original license shall be permanent if the person has been previously  
3 convicted in this or another jurisdiction of more than one of the  
4 following offenses or has more than once been previously convicted of  
5 one of the following offenses:

6 (1) driving while intoxicated; or

7 (2) refusal to submit to a chemical test of breath under  
8 AS 28.35.032 or another law or ordinance with substantially similar  
9 elements.

10 \* Sec. 14. AS 28.35.034 is amended to read:

11 Sec. 28.35.034. SURRENDER OF LICENSE OR PERMIT [PERIOD OF REVO-  
12 CATION]. A person whose license or permit to operate or drive a motor  
13 vehicle has been suspended or revoked under the provisions of AS  
14 28.35.032 shall surrender the [HIS] license or permit to the depart-  
15 ment on receipt of notice of the revocation. [SUCH A PERSON IS INELI-  
16 GIBLE FOR AN OPERATOR'S LICENSE OR PERMIT FOR THREE MONTHS FOLLOWING  
17 THE DATE ON WHICH THE LICENSE OR PERMIT WAS RECEIVED BY THE DEPART-  
18 MENT, UNLESS THE DISTRICT COURT FINDS THAT EXTENUATING CIRCUMSTANCES  
19 EXIST WHICH WOULD CAUSE EXTREME HARDSHIP, IN WHICH CASE THE SUSPENSION  
20 OR REVOCATION MAY BE MODIFIED OR NULLIFIED.] Unless the license is  
21 permanently revoked and after [AFTER] the [THREE MONTHS'] period of  
22 revocation has expired, the person may make application for a new  
23 license as provided by law.

24 \* Sec. 15. AS 28.35 is amended by adding new sections to read:

25 Sec. 28.35.036. IMPOUNDMENT OF MOTOR VEHICLE; EXCEPTIONS. (a)

26 If a peace officer has probable cause to believe a motor vehicle was  
27 used in the commission of an offense under AS 28.35.030, that motor  
28 vehicle shall be impounded by the peace officer. Unless the motor  
29 vehicle is released under (c) or (d) of this section, the owner or

1 person with the right to possess the motor vehicle shall pay the  
2 necessary costs of impounding and storing the vehicle before it may be  
3 released.

4 (b) Impoundment of a motor vehicle under this section is for

5 (1) 15 days if the driver has not previously been convicted  
6 in this or another jurisdiction of

7 (A) driving while intoxicated; or

8 (B) refusal to submit to a chemical test of breath  
9 under AS 28.35.032 or another law or ordinance with substantially  
10 similar elements;

11 (2) 90 days if the driver has been previously convicted in  
12 this or another jurisdiction of

13 (A) driving while intoxicated; or

14 (B) refusal to submit to a chemical test of breath  
15 under AS 28.35.032 or another law or ordinance with substantially  
16 similar elements.

17 (c) Upon impoundment of a motor vehicle under this section an  
18 opportunity for a hearing under AS 28.05.131 shall be provided to the  
19 driver of the motor vehicle at the time of the impoundment, to the  
20 person with the right to possess the motor vehicle, and to any other  
21 person who has an ownership interest in the motor vehicle. The motor  
22 vehicle shall be released to the owner or person with the right to  
23 possess the motor vehicle if it is determined after the hearing that  
24 the impoundment was improper or that at the time of impoundment the  
25 motor vehicle was being driven

26 (1) by a person other than the owner or person with the  
27 right to possess the motor vehicle; and

28 (2) without the consent of the owner or person with the  
29 right to possess the motor vehicle.

1 (d) A motor vehicle impounded under this section shall be re-  
2 leased to the owner or person with the right to possess the motor  
3 vehicle if

4 (1) the driver is not charged within 10 days of impoundment  
5 with an offense under AS 28.35.030 or AS 28.35.032(f) related to the  
6 impoundment;

7 (2) the charge of an offense under AS 28.35.030 or AS 28.-  
8 35.032(f) related to the impoundment is dropped or dismissed; or

9 (3) the driver is acquitted of all offenses under AS 28.-  
10 35.030 or AS 28.35.032(f) related to the impoundment.

11 Sec. 28.35.037. FORFEITURE OF MOTOR VEHICLE. (a) Upon convic-  
12 tion of an offense under AS 28.35.030 or AS 28.35.032(f) the court may  
13 order the forfeiture of the motor vehicle involved in the commission  
14 of the offense if the convicted person was previously convicted in  
15 this or another jurisdiction of

16 (1) driving while intoxicated; or

17 (2) refusal to submit to a chemical test of breath under  
18 AS 28.35.032 or another law or ordinance with substantially similar  
19 elements.

20 (b) Upon forfeiture of a motor vehicle the court shall require  
21 the surrender of the registration and certificate of title of that  
22 motor vehicle.

23 (c) If not released under AS 28.35.038(c), a motor vehicle  
24 forfeited under this section may be disposed of at the discretion of  
25 the department.

26 Sec. 28.35.038. REMISSION OF FORFEITURES. (a) Upon ordering  
27 forfeiture of a motor vehicle under AS 28.35.037, the court shall  
28 within five days provide to every person who has an ownership or  
29 security interest in the motor vehicle written notice of the

1 forfeiture that includes

- 2 (1) a description of the motor vehicle;  
3 (2) the time and place of the forfeiture;  
4 (3) the legal authority under which the motor vehicle was  
5 forfeited;  
6 (4) notice of the right to file a petition for remission of  
7 interest in the forfeited motor vehicle.

8 (b) Upon receipt of a petition for remission of interest in a  
9 forfeited motor vehicle the court shall hold a hearing on the question  
10 and shall order remission of the interest if the petitioner shows that

11 (1) the petitioner has an interest in the motor vehicle  
12 acquired in good faith;

13 (2) a person other than the petitioner was convicted of the  
14 offense that resulted in the forfeiture;

15 (3) before parting with the motor vehicle the petitioner  
16 did not know nor have reasonable cause to believe that it would be  
17 used in the commission of an offense;

18 (4) before parting with the motor vehicle the petitioner  
19 did not know nor have reasonable cause to believe that the person  
20 subsequently convicted of an offense that resulted in the forfeiture  
21 had a record of or reputation for committing alcohol-related offenses.

22 (c) An order for remission under this section may provide for

23 (1) reimbursement of the petitioner's interest in the motor  
24 vehicle; or

25 (2) delivery to the petitioner of the motor vehicle toge-  
26 ther with title to the motor vehicle.

27 \* Sec. 16. AS 28.15.211(a)(4) is repealed.