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Referred: State Affairs, Judiciary
and Finance

1 IN THE SENATE

BY V.FISCHER

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 226

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 driver's licenses, curfews, and
7 license revocations; and providing for an effective
8 date."

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

10 * Section 1. AS 28.05 is amended by adding a new section to read:

11 Sec. 28.05.032. DRIVER'S MANUAL. The department shall include
12 in the driver's manual a substantial section explaining the dangers of
13 drinking and driving and containing information about recognizing an
14 intoxicated driver.

15 * Sec. 2. AS 28.15.041(a) is amended to read:

16 (a) In addition to the classifications required by AS 28.15.055,
17 the [THE] commissioner shall provide by regulation for the classifica-
18 tion of drivers' licenses. The regulations shall specify license
19 classifications which are reasonably necessary for the safe operation
20 of the various types, sizes and combinations of motor vehicles. The
21 regulations shall also establish medical standards, standards of
22 driving conduct and proficiency, and other standards governing the
23 issuance, renewal, or denial of these licenses. The department may
24 examine each applicant to determine the applicant's [HIS] qualifica-
25 tions according to the class of license applied for, and upon issuing
26 a driver's license the department shall indicate on the license the
27 classification for which an applicant for a license has qualified by
28 examination. The regulations and any subsequent modifications under
29 this section become effective only if approved by a concurrent

1 resolution adopted by a majority vote of each house of the legisla-
2 ture.

3 * Sec. 3. AS 28.15.051 is amended by adding a new subsection to read:

4 (f) A permittee under (a), (b) or (d) of this section, or a
5 licensee under (e) of this section may not drive between 12 midnight
6 and 5:00 a.m. on any day and between 9:00 p.m. and 12 midnight on
7 Friday and Saturday, except that a permittee under (d) of this section
8 may participate in organized motorcycle races after normal curfew
9 time.

10 * Sec. 4. AS 28.15 is amended by adding a new section to read:

11 Sec. 28.15.055. DRIVER'S LICENSES. (a) A person 16 years of
12 age, or a person 17 years of age does not meet the requirements of (b)
13 of this section may apply to the department for a stage one provi-
14 sional driver's license. A person holding a stage one provisional
15 driver's license has all the rights and privileges of a person with
16 an unrestricted and unlimited driver's license except that the holder
17 of the stage one provisional license may not drive between the hours
18 of 12 midnight and 5:00 a.m. unless

19 (1) accompanied by a parent, guardian or spouse who is 18
20 years of age or older and has held a valid driver's license for at
21 least one year; or

22 (2) traveling to or from work, or in the course of employ-
23 ment, and in possession of a signed affidavit from the employer.

24 (b) A person 17 years of age may apply to the department for a
25 stage two provisional driver's license if the person has not been
26 convicted of refusal to submit to a chemical test of breath, driving
27 while intoxicated or any other moving violation, or a violation of
28 AS 28.15.051(f) or (a) of this section within six months immediately
29 preceding the date of application.

1 (c) A person 18 years of age or older may apply for an unre-
2 stricted and unlimited driver's license and the department shall issue
3 the license to the person if the person is qualified.

4 (d) The requirements of this section are in addition to and not
5 in lieu of any other requirements of law for the licensing of drivers.

6 * Sec. 5. AS 28.15.081(a) is amended to read:

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

24 * Sec. 6. AS 28.15.111(a) is amended to read:

25 (a) Upon successful completion of the application and all re-
26 quired examinations, and upon payment of the required fee, the depart-
27 ment shall issue to every qualified applicant a driver's license
28 indicating the stage of the license, if it is a provisional license,
29 and the type or general class of vehicles which the licensee may

1 drive. The license shall display

2 (1) a distinguishing number assigned to the license;

3 (2) the licensee's full name, address, date of birth, brief
4 physical description, and color photograph; and

5 (3) either a facsimile of the signature of the licensee or
6 a space upon which the licensee must write the licensee's [HIS] usual
7 signature with pen and ink. No license is valid until signed by the
8 licensee. If facilities are not available for the taking of the photo-
9 graph required under this section, the department shall endorse on the
10 license, the words "valid without photograph."

11 * Sec. 7. AS 28.15 is amended by adding a new section to read:

12 Sec. 28.15.213. REVOCATION OF PROVISIONAL LICENSES. (a) A
13 stage one provisional license shall be revoked if the holder of the
14 license is convicted of

15 (1) driving while intoxicated;

16 (2) any two other moving violations;

17 (3) refusal to submit to a chemical test of breath; or

18 (4) driving in violation of curfew restrictions.

19 (b) A stage two provisional license shall be revoked if the
20 holder of the license is convicted of

21 (1) driving while intoxicated or any other moving viola-
22 tion;

23 (2) refusal to submit to a chemical test of breath; or

24 (3) driving in violation of curfew restrictions.

25 (c) A person whose license is revoked under (a) of this section
26 may apply for and may be issued an instruction permit under AS 28.15.-
27 051 if the person is otherwise eligible for that permit. Unless
28 otherwise prohibited by law, the holder of the revoked stage one
29 provisional license may apply for a new stage one provisional license

1 three months after the issuance of the instruction permit.

2 (d) A person whose license is revoked under (b) of this section
3 may apply for and may be issued a stage one provisional license if the
4 person is otherwise eligible for that license. Unless otherwise
5 prohibited by law, the holder of the revoked stage two provisional
6 license may apply for a new stage two provisional license three months
7 after the issuance of the stage one provisional license.

8 (e) If the driver's license of a stage one or stage two provi-
9 sional licensee is revoked or suspended by the department or a court
10 under another provision of law for a conviction of an offense that
11 would be grounds for revocation of the license under this section, the
12 revocation requirement of this section is considered satisfied.

13 * Sec. 8. A person under 18 years of age who was licensed to drive
14 before January 1, 1984 must obtain a stage one or stage two provisional
15 license, as appropriate, no later than April 1, 1984. A license issued to
16 a person under 18 years of age before January 1, 1984 expires on April 1,
17 1984 if not renewed before that date. A permittee issued a permit before
18 January 1, 1984 may apply for a stage one provisional license when qual-
19 ified.

20 * Sec. 9. This Act takes effect January 1, 1984.

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