

Introduced: 4/30/85
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY PIGNALBERI BY REQUEST

2

HOUSE BILL NO. 410

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to limited driver's licenses for
7 rehabilitated offenders."

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

9 * Section 1. AS 28.15.181(c) is amended to read:

10 (c) A court convicting a person of an offense described in
11 (a)(5) or (8) of this section arising out of the operation of a motor
12 vehicle for which a driver's license is required shall revoke that
13 person's driver's license. The revocation may be concurrent with or
14 consecutive to an administrative revocation under AS 28.15.165. The
15 court may not, except as provided in (e) and (g) of this section,
16 grant limited license privileges for the following periods:

17 (1) not less than 90 days if, within the preceding 10
18 years, the person has not previously been convicted of an offense

19 (A) described in (a)(5) or (8) of this section; or

20 (B) under a law or ordinance in another jurisdiction
21 with elements substantially similar to an offense described in
22 (a)(5) or (8) of this section;

23 (2) not less than one year if, within the preceding 10
24 years, the person has been previously convicted of one offense

25 (A) described in (a)(5) or (8) of this section; or

26 (B) under a law or ordinance in another jurisdiction
27 with elements substantially similar to an offense described in
28 (a)(5) or (8) of this section;

29 (3) not less than 10 years if, within the preceding 10

1 years, the person has been previously convicted of more than one of
2 the following offenses or has more than once been previously convicted
3 of one of the following offenses:

4 (A) an offense described in (a)(5) or (8) of this
5 section; or

6 (B) an offense under another law or ordinance in
7 another jurisdiction with elements substantially similar to an
8 offense described in (a)(5) or (8) of this section.

9 * Sec. 2. AS 28.15.181 is amended by adding a new subsection to read:

10 (g) A court revoking a driver's license under (c) of this sec-
11 tion, or sustaining the action of the department under AS 28.15.-
12 165(c), may grant limited license privileges during the period of
13 revocation in which the person provides satisfactory evidence of a
14 work-related need and abstinence from the use of alcohol and drugs, if
15 the court first determines that

16 (1) the person has, since the date of arrest in the case
17 before the court, enrolled in and successfully completed an alcohol or
18 drug treatment program specifically recommended in the case by the
19 state office of alcoholism and drug abuse or its representative
20 agency;

21 (2) consistent with the opinion of the director of the
22 person's alcohol or drug treatment program, a limitation under AS 28.-
23 15.201 can be placed on the license that will permit the person to
24 earn a livelihood without excessive danger to the public;

25 (3) the person's ability to earn a livelihood will be
26 severely impaired without the limited license;

27 (4) the person intends to abstain from the use of alcohol
28 and nonprescribed controlled substances described in AS 11.71;

29 (5) the person intends to satisfactorily participate in a

1 **drug and alcohol monitoring program that**

2 **(A) is approved by the office of alcoholism and drug**
3 **abuse or its representative agency; and**

4 **(B) represents to the court that it will require the**
5 **person to submit to a testing schedule approved by the court and**
6 **will immediately report to the court the person's failure to**
7 **abstain or to submit to a required test.**