

Offered: 2/22/85  
Referred: Judiciary and Finance

Original sponsor: Abood

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR SENATE BILL NO. 75 (State Affairs)  
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 suspension of the privilege to  
7 obtain a driver's license."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 22.15.100 is amended to read:  
10 Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND  
11 MAGISTRATE. Each district judge and magistrate has the power  
12 (1) to issue writs of habeas corpus for the purpose of  
13 inquiring into the cause of restraint of liberty, returnable before a  
14 judge of the superior court, and the same proceedings shall be had on  
15 the writ as if it had been granted by the superior court judge under  
16 the laws of the state in such cases;  
17 (2) of a notary public;  
18 (3) to issue marriage licenses and to solemnize marriages;  
19 (4) to issue warrants of arrest, summons and search war-  
20 rants according to manner and procedure prescribed by law and the  
21 supreme court;  
22 (5) to act as an examining judge or magistrate in prelimi-  
23 nary examinations in criminal proceedings; to set, receive and forfeit  
24 bail and to order the release of defendants under bail;  
25 (6) to act as a referee in matters and actions referred to  
26 the judge or magistrate by the superior court, with all powers con-  
27 ferred upon referees by laws;  
28 (7) of the superior court in all respects including but not  
29 limited to contempts, attendance of witnesses and bench warrants;

1 (8) to order the temporary detention of a minor, or take  
2 other action authorized by law or rules of procedure, in cases arising  
3 under AS 47.10, when the minor is in a condition or surrounding dan-  
4 gerous or injurious to the welfare of the minor or others which re-  
5 quires immediate action; the action may be continued in effect until  
6 reviewed by the superior court in accordance with rules of procedure  
7 governing these cases;

8 (9) to issue a temporary order for emergency injunctive  
9 relief in cases involving domestic violence as provided in AS 25.35.-  
10 020;

11 (10) to review an administrative revocation of a person's  
12 driver's license, [OR] nonresident privilege to drive, or privilege to  
13 obtain a driver's license, and an administrative refusal to issue an  
14 original license, when designated as a hearing officer by the commis-  
15 sioner of public safety and with the consent of the administrative  
16 director of the state court system.

17 \* Sec. 2. AS 28.15.061(b) is amended to read:

18 (b) An application under (a) of this section shall

19 (1) contain the applicant's full name, date and place of  
20 birth, sex, and mailing and residence addresses;

21 (2) state whether the applicant has been previously li-  
22 censed as a driver and, if so, when and by what jurisdiction;

23 (3) state whether any previous driver's license issued to  
24 the applicant has ever been suspended or revoked, [OR] whether an  
25 application for a driver's license has ever been refused, or whether  
26 the applicant's privilege to obtain a driver's license has ever been  
27 revoked by a court or the department or a similar agency in another  
28 state and, if so, the date of and reason for the suspension, revoca-  
29 tion, or refusal; and

1                   (4) contain other information which the department may  
2 reasonably require to determine the applicant's identity, competency,  
3 and eligibility.

4 \* Sec. 3. AS 28.15.165(a) is amended to read:

5                   (a) If a chemical test administered under AS 28.35.031(a) to a  
6 person driving a motor vehicle for which a driver's license is re-  
7 quired produces a result described in AS 28.35.030(a)(2) or if a  
8 person under arrest for driving a motor vehicle for which a driver's  
9 license is required refuses to submit to a chemical test under AS 28.-  
10 35.031(a), a law enforcement officer shall read a notice and deliver a  
11 copy to the person. The notice shall advise that

12                   (1) the department intends to revoke the person's driver's  
13 license or nonresident privilege to drive, or refuse to issue an  
14 original license to the person;

15                   (2) the person has the right to administrative review of  
16 the revocation or determination not to issue an original license;

17                   (3) the notice itself is a temporary driver's license, for  
18 persons then holding a valid license, that expires seven days after it  
19 is delivered to the person;

20                   (4) revocation of the person's driver's license or nonresi-  
21 dent privilege to drive, or a determination not to issue an original  
22 license shall take effect upon expiration of the temporary driver's  
23 license unless the person within seven days requests an administrative  
24 review.

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

26                   Sec. 28.15.176. SUSPENSION OR REVOCATION OF PRIVILEGE TO OBTAIN  
27 A LICENSE. (a) A court or the department may suspend or revoke a  
28 person's privilege to obtain a driver's license in the same manner and  
29 for the same reasons as a driver's license issued under this chapter.

1 (b) If a court or the department is required by statute or  
2 regulation to suspend or revoke a person's driver's license, then the  
3 privilege to obtain a driver's license shall be suspended or revoked  
4 if the person does not have a driver's license.

5 (c) Procedures and references in AS 28 relating to the suspen-  
6 sion or revocation of a driver's license are equally applicable to the  
7 suspension or revocation of the privilege to obtain a driver's li-  
8 cense.

9 \* Sec. 5. AS 28.15.291 is amended to read:

10 Sec. 28.15.291. DRIVING WHILE LICENSE OR PRIVILEGE TO OBTAIN A  
11 LICENSE CANCELLED, SUSPENDED, REVOKED OR IN VIOLATION OF LIMITATION.

12 (a) A person may not drive a motor vehicle on a highway or vehicular  
13 way or area at a time when that person's driver's license, privilege  
14 to obtain a driver's license, or privilege to drive has been canceled,  
15 suspended or revoked in this or another jurisdiction, or when driving  
16 in violation of a limitation placed upon that person's license or  
17 privilege to drive in this or another jurisdiction. Except as provid-  
18 ed in (c) of this section, upon conviction of a violation of this  
19 section, the court shall impose a sentence of imprisonment of not less  
20 than 10 days. The execution of sentence may not be suspended nor may  
21 probation or parole be granted until the minimum imprisonment provided  
22 in this section has been served; nor may imposition of sentence be  
23 suspended. In addition, the person's license, privilege to obtain a  
24 license, or privilege to drive shall be revoked, and the person may  
25 not be issued a new license nor may the privilege to drive be restored  
26 for an additional period of not less than one year after the date that  
27 the person would have been entitled to restoration of driving privi-  
28 leges or issuance of a license.

29 (b) When a person's license or privilege to obtain a license is

1 canceled, limited, suspended or revoked, that person shall be informed  
2 by the department or the court that takes the action at the time of  
3 the action that, upon a conviction of driving on a highway or vehicu-  
4 lar way or area in this state at a time when that person's driver's  
5 license, [OR] privilege to drive or privilege to obtain a driver's  
6 license in this state has been canceled, suspended or revoked, or upon  
7 a conviction of driving in violation of a limitation of the license,  
8 that person will be subject to the mandatory minimum sentence of  
9 imprisonment under this section.

10 (c) The court shall impose a sentence of imprisonment of not  
11 less than 30 days and a fine of not less than \$500 upon conviction of  
12 a violation of this section if the person's driver's license or privi-  
13 lege to obtain a driver's license was revoked under circumstances  
14 described in AS 28.15.181(c)(1). The court shall impose a sentence of  
15 imprisonment of not less than 90 days and a fine of not less than  
16 \$1,000 upon conviction of a violation of this section if the person's  
17 driver's license or privilege to obtain a driver's license was revoked  
18 under circumstances described in AS 28.15.181(c)(2) or (3). The  
19 execution of sentence may not be suspended nor may probation or parole  
20 be granted until the minimum imprisonment provided in this subsection  
21 has been served. Imposition of sentence may not be suspended. In  
22 addition, the person's privilege to drive and to obtain a driver's  
23 license shall be revoked for an additional period of not less than one  
24 year after the date that the person would have been entitled to resto-  
25 ration of driving privileges or to obtain a driver's license if the  
26 person had not been convicted under this section.

27 (d) A person convicted of a violation of this section is guilty  
28 of a class A misdemeanor.