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Referred: State Affairs
and Finance

1 IN THE SENATE

BY HALFORD

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SENATE BILL NO. 278

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

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A BILL

6 For an Act entitled: "An Act relating to the driver license compact."

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

8 * Section 1. AS 28 is amended by adding a new chapter to read:

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CHAPTER 37. DRIVER LICENSE COMPACT.

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ARTICLE 1. GENERAL PROVISIONS.

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Sec. 28.37.010. COMPACT ENACTED. The Driver License Compact is enacted into law and entered into with all other jurisdictions legally joining in it in the form substantially contained in AS 28.37.110 - 28.37.190.

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Sec. 28.37.020. LICENSING AUTHORITY. In this chapter the term "licensing authority" with reference to this state means the division of motor vehicles in the Department of Public Safety. The department shall furnish to the appropriate authority of another party state the information or documents reasonably necessary to facilitate the administration of AS 28.37.130 - 28.37.150.

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Sec. 28.37.030. EXPENSES OF ADMINISTRATOR. The compact administrator provided for in AS 28.37.170 is not entitled to additional compensation on account of service as the administrator, but is entitled to expenses incurred in connection with the duties and responsibilities as the administrator, in the same manner as for expenses incurred in connection with other duties or responsibilities of the office or employment.

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Sec. 28.37.040. EXECUTIVE HEAD. In this chapter, with reference to this state, the term "executive head" means the governor.

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1 a person charged with having committed an offense, and which conviction
2 tion or forfeiture is required to be reported to the licensing author-
3 ity;

4 (2) "home state" means the state that has issued and has
5 the power to suspend or revoke the use of the license or permit to
6 operate a motor vehicle;

7 (3) "state" means a state, territory, or possession of the
8 United States, the District of Columbia, or the Commonwealth of Puerto
9 Rico.

10 Sec. 28.37.130. REPORTS OF CONVICTIONS. The licensing authority
11 of a party state shall report each conviction of a person from another
12 party state occurring within its jurisdiction to the licensing author-
13 ity of the home state of the licensee. The report shall clearly iden-
14 tify the person convicted; describe the violation specifying the
15 section of the statute, code, or ordinance violated; identify the
16 court in which action was taken; indicate whether a plea of guilty or
17 not guilty was entered, or the conviction was a result of the forfei-
18 ture of bail, bond or other security; and shall include any special
19 findings made in connection with the conviction.

20 Sec. 28.37.140. EFFECT OF CONVICTION IN PARTY STATE. (a) The
21 licensing authority in the home state, for the purposes of suspending,
22 revoking, or limiting the license to operate a motor vehicle, shall
23 give the same effect to the conduct reported under AS 28.37.130 as it
24 would if the conduct had occurred in the home state, in the case of a
25 conviction for

26 (1) manslaughter or negligent homicide resulting from the
27 operation of a motor vehicle;

28 (2) driving a motor vehicle while under the influence of
29 intoxicating liquor or a narcotic drug, or under the influence of any

1 other drug to a degree that renders the driver incapable of safely
2 driving a motor vehicle;

3 (3) any felony in the commission of which a motor vehicle
4 is used;

5 (4) failure to stop and render aid in the event of a motor
6 vehicle accident resulting in the death or personal injury of another.

7 (b) As to another conviction, reported under AS 28.37.130, the
8 licensing authority in the home state shall give the effect to the
9 conduct that is provided by the laws of the home state.

10 (c) If the laws of a party state do not provide for offenses or
11 violations denominated or described in precisely the words employed in
12 (a) of this section, the party state shall construe the denominations
13 and descriptions appearing in (a) of this section as being applicable
14 to and identifying the offenses or violations of a substantially
15 similar nature, and the laws of the party state shall contain the
16 provisions necessary to ensure that full force and effect is given to
17 this section.

18 Sec. 28.37.150. GROUNDS REQUIRING REFUSAL TO ISSUE LICENSE.
19 Upon application for a license to drive, the licensing authority in a
20 party state shall ascertain whether the applicant has ever held, or is
21 the holder of a license to drive issued by another party state. The
22 licensing authority in the state where application is made may not
23 issue a license to drive to the applicant if

24 (1) the applicant has held a license, but the license has
25 been suspended by reason, in whole or in part, of a violation, and the
26 suspension period has not terminated;

27 (2) the applicant has held a license, but the license has
28 been revoked by reason, in whole or in part, of a violation, and the
29 revocation has not terminated; except that after the expiration of one

1 year from the date the license was revoked, the person may make
2 application for a new license if permitted by law; the licensing
3 authority may refuse to issue a license to an applicant if, after
4 investigation, the licensing authority determines that it will not be
5 safe to grant to the person the privilege of driving a motor vehicle
6 on the public highways;

7 (3) the applicant is the holder of a license to drive
8 issued by another party state and currently in force, unless the
9 applicant surrenders the license.

10 Sec. 28.37.160. APPLICATION OF OTHER STATE LAWS. Except as
11 expressly required by provisions of this chapter, nothing in this
12 chapter shall be construed to affect the right of a party state to
13 apply any of its other laws relating to licenses to drive to any
14 person or circumstance, nor to invalidate or prevent any driver li-
15 cense agreement or other cooperative arrangement between a party state
16 and a nonparty state.

17 Sec. 28.37.170. ADMINISTRATOR OF COMPACT. (a) The head of the
18 licensing authority of each party state shall be the administrator of
19 the compact for that state. The administrators of all party states,
20 acting jointly, shall have the power to formulate all necessary and
21 proper procedures for the exchange of information under this compact.

22 (b) The administrator of each party state shall furnish to the
23 administrator of each other party state the information or documents
24 reasonably necessary to facilitate the administration of the compact.

25 Sec. 28.37.180. COMPACT AS LAW; WITHDRAWAL PROCEDURE. (a) The
26 compact shall become effective as to any state in which the compact
27 becomes effective as the law of that state.

28 (b) A party state may withdraw from the compact by enacting a
29 statute repealing the compact as the law of the state, but a

1 withdrawal may not take effect until six months after the executive
2 head of the withdrawing state has given notice of the withdrawal to
3 the executive heads of all other party states. Withdrawal does not
4 affect the validity or applicability by the licensing authorities of
5 states remaining party to the compact of any report of conviction
6 occurring before the withdrawal.

7 Sec. 28.37.190. CONSTRUCTION AND VALIDITY; SEVERABILITY. The
8 compact shall be liberally construed so as to affectuate its purposes.
9 The provisions of the compact are severable and if any phrase, clause,
10 sentence, or provision of the compact is declared to be contrary to
11 the constitution of any party state or of the United States or the
12 applicability of it to a government, agency, person or circumstance is
13 held invalid, the validity of the remainder of the compact and the
14 applicability of it to any government, agency, person or circumstance
15 shall not be affected by it. If the compact is held contrary to the
16 constitution of any party state, the compact shall remain in full
17 force and effect as to the remaining states and in full force and
18 effect as to the state affected as to all severable matters.