

Offered: 5/1/85
Referred: Finance

Original sponsor: Halford

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 278 (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 the driver license compact and
7 driver license fees."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 28.15.221(a) is amended to read:
10 (a) For the purpose of identifying habitually reckless or negli-
11 gent drivers and habitual or frequent violators of traffic laws, the
12 commissioner shall adopt regulations establishing a uniform system for
13 the suspension, revocation, limitation or denial of a driver's license
14 or driving privilege by assigning demerit points for convictions for
15 violations of traffic laws which are required to be reported to the
16 department under AS 28.15.191 and AS 28.37.130.
17 * Sec. 2. AS 28.15.271 is amended to read:
18 Sec. 28.15.271. FEES. The fees for drivers' licenses and per-
19 mits, including but not limited to renewals, are as follows:
20 (1) all classes of drivers' licenses..... \$10 [\$ 5];
21 (2) motor-driven cycles..... \$10 [\$ 2];
22 (3) instruction permit..... \$3 [\$ 1];
23 (4) duplicate of driver's license or instruction per-
24 mit..... \$3 [\$ 2];
25 (5) temporary license and renewal of permit... \$3 [\$ 1];
26 (6) school bus driver's permit..... \$3 [\$ 2].
27 * Sec. 3. AS 28 is amended by adding a new chapter to read:
28 CHAPTER 37. DRIVER LICENSE COMPACT.
29 ARTICLE 1. GENERAL PROVISIONS.

1 Sec. 28.37.010. COMPACT ENACTED. The Driver License Compact is
2 enacted into law and entered into with all other jurisdictions legally
3 joining in it in the form substantially contained in AS 28.37.110 -
4 28.37.190.

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

11 Sec. 28.37.030. EXPENSES OF ADMINISTRATOR. The compact adminis-
12 trator provided for in AS 28.37.170 is not entitled to additional
13 compensation on account of service as the administrator, but is enti-
14 tled to expenses incurred in connection with the duties and responsi-
15 bilities as the administrator, in the same manner as for expenses
16 incurred in connection with other duties or responsibilities of the
17 office or employment.

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

20 ARTICLE 2. COMPACT TERMS.

21 Sec. 28.37.110. FINDINGS AND POLICY STATEMENT. (a) The party
22 states find that

23 (1) the safety of their streets and highways is materially
24 affected by the degree of compliance with state laws and local ordi-
25 nances relating to the operation of motor vehicles;

26 (2) violation of a law or ordinance is evidence that the
27 violator engages in conduct that is likely to endanger the safety of
28 persons and property;

29 (3) the continuance in force of a license to drive is

1 predicated upon compliance with laws and ordinances relating to the
2 operation of motor vehicles, in whichever jurisdiction the vehicle is
3 operated.

4 (b) It is the policy of the party states to

5 (1) promote compliance with the laws, ordinances, and
6 administrative regulations relating to the operation of motor vehicles
7 by their drivers in each of the jurisdictions where those drivers
8 operate motor vehicles;

9 (2) make the reciprocal recognition of licenses to drive
10 and eligibility for them more just and equitable by considering the
11 overall compliance with motor vehicle laws, ordinances, and adminis-
12 trative regulations as a condition precedent to the continuance or
13 issuance of a license by reason of which the licensee is authorized or
14 permitted to operate a motor vehicle in the party states.

15 Sec. 28.37.120. COMPACT DEFINITIONS. In this chapter

16 (1) "conviction" means a conviction of an offense related
17 to the use or operation of a motor vehicle that is prohibited by state
18 law, municipal ordinance, or administrative regulation, or a forfei-
19 ture of bail, bond or other security deposited to secure appearance by
20 a person charged with having committed an offense described in this
21 paragraph, and that is required to be reported to the licensing au-
22 thority under AS 28.37.130;

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

26 (3) "state" means a state, territory, or possession of the
27 United States, the District of Columbia, or the Commonwealth of Puerto
28 Rico.

29 Sec. 28.37.130. REPORTS OF CONVICTIONS. The licensing authority

1 of a party state shall report each conviction of a person from another
2 party state occurring within its jurisdiction to the licensing author-
3 ity of the home state of the licensee. The report shall clearly iden-
4 tify the person convicted; describe the violation specifying the
5 section of the statute, code, or ordinance violated; identify the
6 court in which action was taken; indicate whether a plea of guilty or
7 not guilty was entered, or the conviction was a result of the forfei-
8 ture of bail, bond or other security; and shall include any special
9 findings made in connection with the conviction.

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

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

18 (2) driving a motor vehicle while under the influence of
19 intoxicating liquor or a narcotic drug, or under the influence of any
20 other drug to a degree that renders the driver incapable of safely
21 driving a motor vehicle;

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

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

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

29 (c) If the laws of a party state do not provide for offenses or

1 violations denominated or described in precisely the words employed in
2 (a) of this section, the party state shall construe the denominations
3 and descriptions appearing in (a) of this section as being applicable
4 to and identifying the offenses or violations of a substantially
5 similar nature, and the laws of the party state shall contain the
6 provisions necessary to ensure that full force and effect is given to
7 this section.

8 Sec. 28.37.150. GROUNDS REQUIRING REFUSAL TO ISSUE LICENSE.

9 Upon application for a license to drive, the licensing authority in a
10 party state shall ascertain whether the applicant has ever held, or is
11 the holder of a license to drive issued by another party state. The
12 licensing authority in the state where application is made may not
13 issue a license to drive to the applicant if

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

17 (2) the applicant has held a license, but the license has
18 been revoked by reason, in whole or in part, of a violation, and the
19 revocation has not terminated; except that after the expiration of one
20 year from the date the license was revoked, the person may make appli-
21 cation for a new license if permitted by law; the licensing authority
22 may refuse to issue a license to an applicant if, after investigation,
23 the licensing authority determines that it will not be safe to grant
24 to the person the privilege of driving a motor vehicle on the public
25 highways;

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

29 Sec. 28.37.160. APPLICATION OF OTHER STATE LAWS. Except as

1 expressly required by provisions of this chapter, nothing in this
2 chapter shall be construed to affect the right of a party state to
3 apply any of its other laws relating to licenses to drive to any
4 person or circumstance, nor to invalidate or prevent any driver li-
5 cense agreement or other cooperative arrangement between a party state
6 and a nonparty state.

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

12 (b) The administrator of each party state shall furnish to the
13 administrator of each other party state the information or documents
14 reasonably necessary to facilitate the administration of the compact.

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

18 (b) A party state may withdraw from the compact by enacting a
19 statute repealing the compact as the law of the state, but a with-
20 drawal may not take effect until six months after the executive head
21 of the withdrawing state has given notice of the withdrawal to the
22 executive heads of all other party states. Withdrawal does not affect
23 the validity or applicability by the licensing authorities of states
24 remaining party to the compact of any report of conviction occurring
25 before the withdrawal.

26 Sec. 28.37.190. CONSTRUCTION AND VALIDITY; SEVERABILITY. The
27 compact shall be liberally construed so as to effectuate its purposes.
28 The provisions of the compact are severable and if any phrase, clause,
29 sentence, or provision of the compact is declared to be contrary to

1 the constitution of any party state or of the United States or the
2 applicability of it to a government, agency, person or circumstance is
3 held invalid, the validity of the remainder of the compact and the
4 applicability of it to any government, agency, person or circumstance
5 shall not be affected by it. If the compact is held contrary to the
6 constitution of any party state, the compact shall remain in full
7 force and effect as to the remaining states and in full force and
8 effect as to the state affected as to all severable matters.