

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 364

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the privilege to drive and to
7 obtain a license; and relating to penalties for
8 driving while license or privilege is suspended,
9 canceled, or revoked, or driving in violation of a
10 limitation."

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

12 * Section 1. AS 12.55.055(d) is amended to read:

13 (d) The court may offer a defendant convicted of an offense the
14 option of performing community work instead [IN LIEU] of a sentence of
15 imprisonment. Substitution of community work must [SHALL] be at a
16 rate of eight hours for each day of imprisonment. A court may not
17 offer substitution of community work for any mandatory minimum period
18 of imprisonment or for any period of a presumptive term of imprison-
19 ment unless it is specifically provided for in the applicable statute.

20 * Sec. 2. AS 28.15.165(a) is amended to read:

21 (a) If a chemical test administered under AS 28.35.031(a) to a
22 person driving a motor vehicle for which a driver's license is
23 required produces a result described in AS 28.35.030(a)(2) or if a
24 person under arrest for driving a motor vehicle for which a driver's
25 license is required refuses to submit to a chemical test under AS 28.-
26 35.031(a), a law enforcement officer shall read a notice and deliver a
27 copy to the person. The notice must [SHALL] advise that

28 (1) the department intends to revoke the person's driver's
29 license, privilege to drive, privilege to obtain a license, or

1 nonresident privilege to drive, or refuse to issue an original license
2 to the person;

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

5 (3) the notice itself is a temporary driver's license that
6 expires seven days after it is delivered to the person;

7 (4) revocation of the person's driver's license, privilege
8 to drive, privilege to obtain a license, or nonresident privilege to
9 drive, or a determination not to issue an original license takes
10 [SHALL TAKE] effect upon expiration of the temporary driver's license
11 unless the person within seven days requests an administrative review.

12 * Sec. 3. AS 28.15.165(c) is amended to read:

13 (c) Upon receipt of a sworn report of a law enforcement officer
14 that states (1) that a chemical test under AS 28.35.031(a) produced a
15 result described in AS 28.35.030(a)(2) or that a person refused to
16 submit to a chemical test under AS 28.35.031(a); (2)[.] that notice
17 under (a) of this section was provided to the person;[.] and (3) [THAT
18 CONTAINS A STATEMENT OF] the circumstances surrounding the arrest and
19 the grounds for [UPON WHICH] the officer's belief that the person was
20 driving, while intoxicated, a motor vehicle for which a driver's
21 license is required [WAS BASED], the department shall revoke the
22 person's license, privilege to drive, privilege to obtain a license,
23 or nonresident privilege to drive a motor vehicle in the state, or
24 refuse to issue an original license effective upon expiration of the
25 temporary driver's license issued under (a) of this section.

26 * Sec. 4. AS 28.15.181(a) is amended to read:

27 (a) Conviction of any of the following offenses is grounds for
28 the immediate revocation of a driver's license, privilege to drive, or
29 privilege to obtain a license:

1 (1) manslaughter or negligent homicide resulting from
2 driving a motor vehicle;

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

5 (3) failure to stop and give aid as required by law when a
6 motor vehicle accident results in the death or personal injury of
7 another;

8 (4) perjury or making a false affidavit or statement under
9 oath to the department under a law relating to motor vehicles;

10 (5) driving a motor vehicle while intoxicated;

11 (6) reckless driving;

12 (7) using a motor vehicle in unlawful flight to avoid
13 arrest by a peace officer;

14 (8) refusal to submit to a chemical test under AS 28.35.-
15 032[;

16 (9) DRIVING WHILE LICENSE CANCELED, SUSPENDED, REVOKED OR
17 IN VIOLATION OF A LIMITATION].

18 * Sec. 5. AS 28.15.291 is repealed and reenacted to read:

19 Sec. 28.15.291. DRIVING WHILE LICENSE OR PRIVILEGE SUSPENDED,
20 CANCELED, OR REVOKED, OR DRIVING IN VIOLATION OF LIMITATION. (a) A
21 person may not drive a motor vehicle on a highway or vehicular way or
22 area at a time when that person's driver's license, privilege to
23 drive, or privilege to obtain a license has been suspended, canceled,
24 or revoked in this or another jurisdiction, or when driving in vio-
25 lation of a limitation placed upon that person's license or privilege
26 to drive in this or another jurisdiction.

27 (b) Upon conviction of a violation of (a) of this section,

28 (1) except as provided in (3) of this subsection, if the
29 person has not previously been convicted of a violation of this

1 section or of another jurisdiction's law or ordinance of substantially
2 similar elements, the court shall impose a minimum sentence of impris-
3 onment of not less than 10 days, with not less than 10 days suspended
4 on the condition that the defendant complete 80 hours of community
5 work service;

6 (2) except as provided in (4) of this subsection, if the
7 person has previously been convicted of a violation of this section or
8 of another jurisdiction's law or ordinance of substantially similar
9 elements, the court shall impose a minimum sentence of imprisonment of
10 not less than 10 days;

11 (3) if the person's driver's license was revoked under
12 circumstances described in AS 28.15.181(c)(1), the court shall impose
13 a sentence of imprisonment of not less than 20 days with not more than
14 10 days suspended, nor less than 80 hours community work service, and
15 a fine of not less than \$500;

16 (4) if the person's driver's license was revoked under
17 circumstances described in AS 28.15.181(c)(2) or (3), the court shall
18 impose a sentence of imprisonment of not less than 30 days and a fine
19 of not less \$1,000.

20 (c) In sentencing a defendant under (b) of this section, addi-
21 tional conditions of probation may be imposed at the discretion of the
22 court. The execution of sentence may not be suspended nor may pro-
23 bation or parole be granted until the minimum imprisonment provided in
24 this section has been served. Imposition of sentence may not be
25 suspended.

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

28 * Sec. 6. AS 28.15.181(d) is repealed.