

BY THE JUDICIARY COMMITTEE

1 IN THE SENATE

2

SENATE BILL NO. 499

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to appeal of administrative action
7 against a driver's license."

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

9 * Section 1. AS 28.05.141(d) is amended to read:

10 (d) A person aggrieved by the decision of the hearing officer
11 may, within 30 days after a decision is mailed or delivered to the
12 person, file an appeal in superior court for judicial review of the
13 hearing officer's decision. The judicial review shall be on the
14 record. The court may reverse the department's determination if the
15 court finds that the department misinterpreted the law, acted in an
16 arbitrary and capricious manner, or made a determination unsupported
17 by the evidence in the record [, INITIATE A PROCEEDING IN DISTRICT
18 COURT TO RESCIND THE DEPARTMENT'S ACTION BY FILING A NOTICE OF APPEAL
19 IN ACCORDANCE WITH THE APPLICABLE RULES OF COURT GOVERNING APPEALS IN
20 CIVIL MATTERS. THE COURT SHALL CONDUCT A HEARING DE NOVO]. The
21 decision of the department suspending, revoking, canceling, limiting,
22 restricting, or denying a license, registration, title, permit, or
23 privilege is stayed and does not take effect during the pendency of an
24 appeal.

25 * Sec. 2. AS 28.15.166(m) is amended to read:

26 (m) Within [NOTWITHSTANDING AS 28.05.141(d), WITHIN] 30 days of
27 the issuance of the final determination of the department, a person
28 aggrieved by the determination may file an appeal in superior court
29 for judicial review of the hearing officer's determination. The

1 judicial review shall be on the record, without taking additional
2 testimony. The court may reverse the department's determination if
3 the court finds that the department misinterpreted the law, acted in
4 an arbitrary and capricious manner, or made a determination unsup-
5 ported by the evidence in the record.