

CS FOR HOUSE BILL NO. 66 (TRANSPORTATION)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 2/7/92

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES SHARP, Taylor, Koponen, Zawacki, Barnes, Leman, M.A. Miller

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of a minor's license to drive."

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

3 \* Section 1. AS 28.15.185(a) is amended to read:

4 (a) The court shall revoke the driver's license of a [A] person who is at least 13 years  
5 of age but not yet 18 [OLDER THAN 17] years of age who is adjudicated by a juvenile court  
6 of misconduct involving a controlled substance under AS 11.71, [OR] possession or consumption  
7 of alcohol under AS 04.16.050, or using fraudulent or false identification as prohibited by  
8 AS 04.16.060(d) [IS SUBJECT TO REVOCATION OF THE PERSON'S DRIVER'S LICENSE  
9 UNDER (b) OF THIS SECTION].

10 \* Sec. 2. AS 28.15.185(b) is amended to read:

11 (b) The court shall impose the revocation for an offense described in (a) of this section  
12 as follows:

13 (1) for a first conviction or adjudication, the revocation shall [MAY] be for a  
14 period of not less than 30 [TO EXCEED 90] days, but not more than one year;

1 (2) for a second or subsequent conviction or adjudication, the revocation shall  
2 [MAY] be for a period of not less than 30 days, but not more than two years [TO EXCEED  
3 ONE YEAR].

4 \* Sec. 3. AS 28.15 is amended by adding a new section to read:

5 Sec. 28.15.187. ADMINISTRATIVE REVOCATION OF A MINOR'S LICENSE TO  
6 DRIVE. (a) If a probation or peace officer determines that a person who is at least 13 years of  
7 age but not yet 18 years of age has possessed or used a controlled substance in violation of  
8 AS 11.71, possessed or consumed alcohol in violation of AS 04.16.050, or used fraudulent or  
9 false identification as prohibited by AS 04.16.060(d), the probation or peace officer shall read  
10 a notice and deliver a copy to the person. The notice must advise that

11 (1) the department intends to revoke the person's driver's license, privilege to  
12 drive, or privilege to obtain a license, or refuse to issue an original license to the person;

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

15 (3) if the person has a driver's license or a nonresident privilege to drive, the  
16 notice itself is a temporary driver's license that expires seven days after it is delivered to the  
17 person;

18 (4) revocation of the person's driver's license, privilege to drive, or privilege to  
19 obtain a license, or a determination not to issue an original license takes effect seven days after  
20 delivery of the notice to the person unless the person, within seven days, requests an  
21 administrative review.

22 (b) After reading the notice under (a) of this section, the probation or peace officer shall  
23 seize the person's driver's license if it is in the person's possession and shall deliver it to the  
24 department with a sworn report describing the circumstances under which it was seized.

25 (c) Unless the person has requested an administrative review, the department shall revoke  
26 the person's driver's license, privilege to drive, or privilege to obtain a license, or refuse to issue  
27 an original license, effective seven days after delivery to the person of the notice required under  
28 (a) of this section, upon receipt of a sworn report of a probation or peace officer

29 (1) that the person is at least 13 years of age but not yet 18 years of age and has  
30 possessed or used a controlled substance in violation of AS 11.71, possessed or consumed alcohol  
31 in violation of AS 04.16.050, or used fraudulent or false identification as prohibited by

1 AS 04.16.060(d);

2 (2) that notice under (a) of this section was provided to the person; and

3 (3) describing the circumstances surrounding the violation of the controlled  
4 substances provisions of AS 11.71, the alcoholic beverages provisions of AS 04.16.050, or the  
5 identification provisions of AS 04.16.060(d).

6 (d) A person who withdraws a request for a hearing or who fails to appear at a hearing  
7 requested under (a) of this section for reasons other than lack of actual notice of the hearing or  
8 physical incapacity such as hospitalization or incarceration waives the right to a hearing. If at  
9 the administrative hearing the violation of law reported under (a) of this section is proven by a  
10 preponderance of the evidence, the department shall revoke the person's driver's license. If at  
11 the administrative hearing the violation of law reported is not proven by a preponderance of the  
12 evidence, the department may not revoke the person's driver's license based on the report  
13 received under (b) of this section.

14 (e) The department shall impose the revocation required under this section for a period  
15 of 30 days for a first revocation and for a period of 90 days for a second or subsequent  
16 revocation.

17 (f) Notwithstanding the provisions of AS 28.20.240 and 28.20.250, the department may  
18 not require proof of financial responsibility before restoring a driver's license or privilege that  
19 is revoked under this section.

20 (g) A license revocation imposed under this section shall be consecutive to a license  
21 revocation imposed under another provision of law.