

**HOUSE BILL NO. 422**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/27/92

Referred: Transportation, Judiciary, Finance

**A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to the revocation of a person's driver's license, privilege to drive, or  
2 privilege to obtain a license; and providing for an effective date."

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

4 \* Section 1. AS 28.15.181(a) is amended to read:

5 (a) Conviction of any of the following offenses is grounds for the immediate revocation  
6 of a driver's license, privilege to drive, or privilege to obtain a license; [;]

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

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

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

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

13 (5) operating a motor vehicle or aircraft while intoxicated;

14 (6) reckless driving;

- 1 (7) using a motor vehicle in unlawful flight to avoid arrest by a peace officer;  
2 (8) refusal to submit to a chemical test under AS 28.35.032 while under arrest for  
3 operating a motor vehicle or aircraft while intoxicated;  
4 (9) driving while license canceled, suspended, revoked or in violation of a  
5 limitation;  
6 **(10) misconduct involving a controlled substance.**

7 \* Sec. 2. AS 28.15.181(c) is amended to read:

8 (c) A court convicting a person of an offense described in (a)(5) **of this section, other**  
9 **than a motor vehicle offense involving a controlled substance, or in (a)(8) [(8)]** of this section,  
10 arising out of the operation of a motor vehicle or aircraft shall revoke that person's driver's  
11 license, privilege to drive, or privilege to obtain a license. The revocation may be concurrent  
12 with or consecutive to an administrative revocation under AS 28.15.165. The court may not,  
13 except as provided in AS 28.15.201, grant limited license privileges during the minimum period  
14 of revocation. The minimum periods of revocation are:

- 15 (1) at least 90 days if the person has not been previously convicted;  
16 (2) at least one year if the person has been previously convicted once;  
17 (3) at least five years if the person has been previously convicted twice;  
18 (4) at least 10 years if the person has been previously convicted more than twice.

19 \* Sec. 3. AS 28.15.181 is amended by adding new subsections to read:

20 (g) A court shall revoke a person's driver's license, privilege to drive, or privilege to  
21 obtain a license for not less than six months upon a first conviction for operating a motor vehicle  
22 while intoxicated when the person was under the influence of a substance that is a controlled  
23 substance under AS 11.71 or for an offense described in (a)(10) of this section. For a second  
24 or subsequent conviction, the revocation provisions of (c) of this section apply. A revocation  
25 may be concurrent with or consecutive to an administrative revocation under AS 28.15.165.  
26 During the minimum period of revocation, the court may not grant limited license privileges  
27 unless the court determines that the person's ability to earn a livelihood would be severely  
28 impaired and a limitation under AS 28.15.201 can be placed on the license that will enable the  
29 person to earn a livelihood without excessive danger to the public.

30 (h) For purposes of (a) of this section, "misconduct involving a controlled substance"  
31 includes

- 1 (1) an offense under AS 11.71;
- 2 (2) an offense under 21 U.S.C. 801 - 958 (federal Controlled Substances Act);
- 3 (3) an offense involving the possession, distribution, manufacture, cultivation, sale,
- 4 transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer
- 5 any substance the possession of which is prohibited under 21 U.S.C. 801 - 958 (federal
- 6 Controlled Substances Act); or
- 7 (4) the operation of a motor vehicle under the influence of a substance the
- 8 possession of which is prohibited under 21 U.S.C. 801 - 958 (federal Controlled Substances Act).

9 \* Sec. 4. AS 28.15.185 is amended to read:

10 Sec. 28.15.185. COURT REVOCATION OF A MINOR'S LICENSE TO DRIVE. (a)

11 A person who is at least 13 years of age but not older than 17 years of age who is adjudicated

12 by a juvenile court of misconduct involving a controlled substance as defined in AS 28.15.181(h)

13 [UNDER AS 11.71] or possession or consumption of alcohol under AS 04.16.050 is subject to

14 revocation of the person's driver's license, privilege to drive, or privilege to obtain a license,

15 under (b) of this section.

16 (b) The court shall impose the revocation for an offense described in (a) of this section

17 as follows:

18 (1) for a first alcohol-related conviction or adjudication, the revocation may be

19 for a period not to exceed 90 days;

20 (2) for a second or subsequent alcohol-related conviction or adjudication, the

21 revocation may be for a period not to exceed one year;

22 (3) for a conviction or adjudication involving a controlled substance, the

23 revocation shall be for a period of not less than six months and not to exceed one year.

24 (c) Upon conviction or adjudication of an offense listed in (a) of this section the court

25 may, upon petition of the person, review the revocation and may restore the driver's license or

26 privilege, except that a court may not restore the driver's license or privilege until

27 (1) at least one-half of the period of revocation imposed under this section has

28 expired; and

29 (2) the person has taken and successfully completed a state approved program of

30 drug rehabilitation if convicted of misconduct involving a controlled substance [UNDER

31 AS 11.71], or alcohol rehabilitation if convicted of possession or consumption of alcohol under

1 AS 04.16.050; this paragraph does not apply to a person who resides in an area that does not  
2 offer a state approved drug or alcohol rehabilitation program or a person that the court determines  
3 does not need alcohol or drug rehabilitation.

4 (d) Notwithstanding the provisions of AS 28.20.240 and 28.20.250, upon conviction of  
5 an offense specified in (a) of this section, the department may not require proof of financial  
6 responsibility before restoring or issuing the person's driver's license.

7 (e) If a person whose privilege to drive or privilege to obtain a driver's license is revoked  
8 under this section is not old enough to apply for a license or permit at the time of the court's  
9 order of revocation, the period of revocation does not commence until the person is eligible to  
10 apply for a driver's license or permit.

11 \* Sec. 5. This Act takes effect July 1, 1993.