

HOUSE BILL NO. 444

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE CHOQUETTE

Introduced: 2/5/92

Referred: Transportation, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licenses issued to drivers and to revocation of a license to drive."

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

3 * Section 1. AS 28.15.111(a) is amended to read:

4 (a) Upon successful completion of the application and all required examinations, and
5 upon payment of the required fee, the department shall issue to every qualified applicant a
6 driver's license indicating the type or general class of vehicles that the licensee may drive. The
7 license must display (1) a distinguishing number assigned to the license; (2) the licensee's full
8 name, address, date of birth, brief physical description, and color photograph; [AND] (3) either
9 a facsimile of the signature of the licensee or a space upon which the licensee must write the
10 licensee's usual signature with pen and ink; and (4) a holographic symbol intended to prevent
11 illegal alteration or duplication. A license is not valid until signed by the licensee. If facilities
12 are not available for the taking of the photograph required under this section, the department shall
13 endorse on the license, the words "valid without photograph."

14 * Sec. 2. AS 28.15 is amended by adding a new section to read:

1 Sec. 28.15.187. ADMINISTRATIVE REVOCATION RESULTING FROM USE OF
2 FALSE DRIVER'S LICENSE. (a) If a peace officer determines that a person used a driver's
3 license as fraudulent or false identification as prohibited by AS 04.16.060(d), the peace officer
4 shall read a notice and deliver a copy to the person. The notice must advise that

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

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

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

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

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

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

23 (1) that the person used a driver's license as fraudulent or false identification as
24 prohibited by AS 04.16.060(d);

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

26 (3) describing the circumstances surrounding the violation of the identification
27 provisions of AS 04.16.060(d).

28 (d) A person who withdraws a request for a hearing or who fails to appear at a hearing
29 requested under (a) of this section for reasons other than lack of actual notice of the hearing or
30 physical incapacity such as hospitalization or incarceration waives the right to a hearing. If at
31 the administrative hearing the violation of law reported under (a) of this section is proven by a

1 preponderance of the evidence, the department shall revoke the person's driver's license. If at
2 the administrative hearing the violation of law reported is not proven by a preponderance of the
3 evidence, the department may not revoke the person's driver's license based on the report
4 received under (b) of this section.

5 (e) The department shall impose the revocation required under this section

6 (1) for a period of six months for a first revocation under this section; and

7 (2) for a second or subsequent revocation under this section for a period of 12
8 months or until the person is 21 years of age, whichever is longer.

9 (f) A license revocation imposed under this section shall be consecutive to a license
10 revocation imposed under another provision of law. A person whose license is revoked under
11 this section shall surrender the license to the department. After the period of revocation has
12 expired, the person may apply for a new license as provided in this chapter.