

HOUSE BILL NO. 513
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES ULMER, Boyer, Koponen, Ellis, Larson

Introduced: 2/18/92

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to limitations on a drivers' license; and providing for an effective date."

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

3 * Section 1. AS 28.15.201(d) is amended to read:

4 (d) A court revoking a driver's license under AS 28.15.181(c), or a hearing officer
5 revoking a driver's license under AS 28.15.165(c), may grant limited license privileges if (1) the
6 court or the hearing officer determines that the person's ability to earn a livelihood would be
7 severely impaired; (2) a limitation under (a) of this section can be placed on the license that will
8 enable the person to earn a livelihood without excessive danger to the public; and (3) the court
9 or hearing officer determines that the person has successfully completed an alcoholism education
10 and rehabilitation treatment program and the cost of the program has been paid for. Limited
11 license privileges may only be granted to the person for the final 60 days during which the
12 license was revoked if the person has not been previously convicted more than once, for the final
13 two years during which the license was revoked if the person has not been previously convicted
14 more than twice, and for the final five years during which the license was revoked if the person

1 has not been previously convicted more than five times. The court or the hearing officer may not
2 grant limited license privileges if the person has been previously convicted more than five times.

3 * Sec. 2. AS 28.15.201(e) is repealed and reenacted to read:

4 (e) Notwithstanding (d) of this section, a court revoking a driver's license under
5 AS 28.15.181(c), or a hearing officer revoking a driver's license under AS 28.15.165(c), may
6 grant limited license privileges for the period specified under (g) of this section to a person who
7 has been previously convicted if

8 (1) the court or hearing officer determines that the person's ability to earn a
9 livelihood would be severely impaired and a limitation under (a) of this section can be placed
10 on the license that will enable the person to earn a livelihood without excessive danger to the
11 public;

12 (2) a previous conviction for which the license was revoked occurred before
13 January 1, 1991; and

14 (3) the court or hearing officer determines that the person has successfully
15 completed an alcoholism education and rehabilitation treatment program and the cost of the
16 program has been paid for.

17 * Sec. 3. AS 28.15.201 is amended by adding new subsections to read:

18 (g) If the person qualifies under (e) of this section, a court or a hearing officer may grant
19 limited license privileges for the final

20 (1) 60 days during which the license was revoked if the person has been
21 previously convicted once and not more than once;

22 (2) seven years during which the license was revoked if the revocation is the
23 person's third conviction and the third conviction occurred before January 1, 1991;

24 (3) two years during which the license was revoked if the revocation is the
25 person's third conviction and the third conviction occurred on or after January 1, 1991; or

26 (4) five years during which the license was revoked if the person has been
27 previously convicted three, four, or five times and not more than five times.

28 (h) If a person has been previously convicted and under the provisions of (d) or (e) of
29 this section the person is eligible for more than one period of limited license privileges, the
30 limited license eligibility periods shall be combined and the court or a hearing officer may grant
31 limited license privileges for the combined period. A combined period of limited license

1 eligibility shall commence after any period of license revocation imposed under a provision of
2 law for which the person is not eligible for a limited license.

3 (i) A person may not apply for a limited license under this section during a period of
4 license revocation imposed under AS 28.15.165(c) or 28.15.181(c), if under the person's most
5 recent revocation the person is more than 180 days from being eligible for a limited license under
6 this section.

7 * Sec. 4. Section 36, ch. 119, SLA 1990, is amended to read:

8 Sec. 36. APPLICABILITY. (a) Except as provided in (b) of this section, the [THE]
9 provisions of this Act apply to judicial proceeding and administrative proceedings by the
10 Department of Public Safety relating to offenses that are committed after December 31, 1990.

11 (b) The limited license provisions contained in AS 28.15.201(d) and (e), enacted in
12 sec. 18 of this Act, apply to judicial proceedings and to administrative proceedings by the
13 Department of Public Safety, relating to offenses that are committed before, on, or after
14 December 31, 1990.

15 * Sec. 5. AS 28.15.201(d) and (e), as amended by secs. 1 and 2 of this Act, and AS 28.15.201(g) -
16 (i), as added by sec. 3 of this Act, apply, according to their terms, to offenses committed before, on, or
17 after the effective date of this Act.

18 * Sec. 6. This Act is retroactive to January 1, 1991.

19 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).