

HOUSE BILL NO. 138

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES PORTER, Ulmer

Introduced: 2/8/93

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

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

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

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

5 (d) A court revoking a driver's license under AS 28.15.181(c), or the
6 department [A HEARING OFFICER] revoking a driver's license under
7 AS 28.15.165(c), may grant limited license privileges if (1) the court or the
8 department [HEARING OFFICER] determines that the person's ability to earn a
9 livelihood would be severely impaired; (2) a limitation under (a) of this section can
10 be placed on the license that will enable the person to earn a livelihood without
11 excessive danger to the public; and (3) the court or the department [HEARING
12 OFFICER] determines that the person has successfully completed an alcoholism
13 education and rehabilitation treatment program and the cost of the program has been
14 paid. Limited license privileges may only be granted to the person for the final 60

1 days during which the license was revoked if the person has not been previously
2 convicted more than once, for the final two years during which the license was
3 revoked if the person has not been previously convicted more than twice, and for the
4 final five years during which the license was revoked if the person has not been
5 previously convicted more than five times. The court or the department [HEARING
6 OFFICER] may not grant limited license privileges if the person has been previously
7 convicted more than five times.

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 AS 28.15.201(e) is repealed and reenacted to read:

9 (e) Notwithstanding (d) of this section, a court revoking a driver's license
10 under AS 28.15.181(c), or the department revoking a driver's license under
11 AS 28.15.165(c), may grant limited license privileges for the period specified under
12 (g) of this section to a person who has been previously convicted if

13 (1) the court or the department determines that the person's ability to
14 earn a livelihood would be severely impaired and a limitation under (a) of this section
15 can be placed on the license that will enable the person to earn a livelihood without
16 excessive danger to the public;

17 (2) the offense for which the license was revoked occurred before
18 January 1, 1991; and

19 (3) the court or the department determines that the person has
20 successfully completed an alcoholism education and rehabilitation treatment program
21 and the cost of the program has been paid.

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

23 (g) If the person qualifies under (e) of this section, a court or the department
24 may grant limited license privileges for the final

25 (1) 60 days during which the license was revoked if the person has
26 been previously convicted once and not more than once;

27 (2) seven years during which the license was revoked if the revocation
28 is for the person's third conviction; or

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

31 (h) If a person has been previously convicted and under the provisions of (d)

1 or (e) of this section the person is eligible for more than one period of limited license
2 privileges, the limited license eligibility periods shall be combined and the court or the
3 department may grant limited license privileges for the combined period. A combined
4 period of limited license eligibility may not commence until the accumulated periods
5 of any license revocations have been completed.

6 (i) A person may not apply for a limited license under this section if the
7 person is more than 180 days from being eligible for the limited license.

8 * Sec. 4. AS 28.15.271(b) is amended to read:

9 (b) In addition to the fees under (a) of this section,

10 (1) a person who renews a driver's license by mail shall pay [BE
11 CHARGED] a fee of \$1; and

12 (2) a person who applies for a limited driver's license under
13 AS 28.15.201 shall pay a fee of \$100.

14 * Sec. 5. Section 36, ch. 119, SLA 1990, is amended to read:

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

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

23 * Sec. 6. AS 28.15.201(d) and (e), as amended by secs. 1 and 2 of this Act, and
24 AS 28.15.201(g) - (i), as added by sec. 3 of this Act, apply, according to their terms, to
25 offenses committed before, on, or after the effective date of this Act.

26 * Sec. 7. Sections 1 - 3 and 5 of this Act are retroactive to January 1, 1991.

27 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).