

HOUSE BILL NO. 299
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES TOOHEY, Bunde, Mulder

Introduced: 5/6/93

Referred: Health, Education & Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to education programs on consumption of alcohol and to**
2 **revocation of a driver's license for illegal consumption of alcohol; and providing**
3 **for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1. SHORT TITLE. This Act may be cited as the Drinking and Driving Under**
6 **the Age of 21 Act of 1993.**

7 *** Sec. 2. FINDINGS. The legislature finds that**

8 **(1) drinking alcohol is a factor in approximately one-half of all fatal motor**
9 **vehicle accidents;**

10 **(2) blood alcohol levels as low as 0.02 percent affect driving ability and**
11 **increase the likelihood of accidents;**

12 **(3) youthful drivers with blood alcohol levels of 0.05 to 0.10 percent are far**
13 **more likely than sober teenage drivers to be killed in single vehicle accidents;**

14 **(4) drinking and driving is by far the leading killer of youths in this country;**

1 (5) youths under the age of 21 are twice as likely as any other age group to
2 be involved in an alcohol-related automobile accident;

3 (6) while it is a goal of society to have completely sober drivers, a blood
4 alcohol level of 0.00 percent does not recognize scientific inaccuracies inherent in detection
5 instruments and procedures, nor does a 0.00 limit permit the ingestion of small amounts of
6 alcohol for medicinal or religious purposes; and

7 (7) schools in this state should conduct educational programs to teach youths
8 about the dangers of drinking and driving.

9 * **Sec. 3.** AS 14.07.020(a) is amended to read:

10 (a) The department shall

11 (1) exercise general supervision over the public schools of the state
12 except the University of Alaska;

13 (2) study the conditions and needs of the public schools of the state,
14 adopt or recommend plans, administer and evaluate grants to improve school
15 performance awarded under AS 14.03.125, and adopt regulations for the improvement
16 of the public schools;

17 (3) provide advisory and consultative services to all public school
18 governing bodies and personnel;

19 (4) prescribe by regulation a minimum course of study for the public
20 schools; the regulations must provide that if a course in American Sign Language is
21 given, the course shall be given credit as a course in a foreign language;

22 (5) establish, in coordination with the Department of Health and Social
23 Services, a program for the continuing education of children who are held in detention
24 facilities in the state during the period of detention;

25 (6) accredit those public schools that meet accreditation standards
26 prescribed by regulation by the department; these regulations shall be adopted by the
27 department and presented to the legislature during the first 10 days of any regular
28 session, and become effective 45 days after presentation or at the end of the session,
29 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
30 the members of each house;

31 (7) prescribe by regulation, after consultation with the state fire marshal

1 and the state sanitarian, standards in addition to the requirements of AS 18.15.145 that
2 will assure healthful and safe conditions in the public and private schools of the state
3 including a requirement of physical examinations and immunizations in pre-elementary
4 schools; the standards for private schools may not be more stringent than those for
5 public schools;

6 (8) exercise general supervision over pre-elementary schools that
7 receive direct state or federal funding;

8 (9) provide accredited elementary and secondary correspondence study
9 programs available to any Alaskan through a centralized office of correspondence
10 study;

11 (10) accredit private schools that request accreditation and that meet
12 accreditation standards prescribed by regulation by the department; nothing in this
13 paragraph authorizes the department to require religious or other private schools to be
14 licensed;

15 (11) review plans for construction of new public elementary and
16 secondary schools and for additions to and major rehabilitation of existing public
17 elementary and secondary schools and, in accordance with regulations adopted by the
18 department, determine and approve the extent of eligibility for state aid of a school
19 construction project begun after July 1, 1978; for the purposes of this paragraph,
20 "plans" include educational specifications, schematic designs, and final contract
21 documents;

22 (12) provide educational opportunities in the areas of vocational
23 education and training, and basic education to individuals over 16 years of age who
24 are no longer attending school;

25 (13) administer the grants awarded under AS 14.11;

26 (14) establish, in coordination with the Department of Public Safety,
27 a school bus driver training course;

28 (15) administer the grants awarded under AS 14.30.750;

29 **(16) establish a program for the continuing education of students**
30 **in public elementary and secondary schools about the dangers of drinking and**
31 **driving.**

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

2 **Sec. 28.15.187. COURT REVOCATION OF A LICENSE TO DRIVE FOR**
3 **ILLEGAL ALCOHOL USE.** (a) The court shall revoke a person's driver's license
4 as provided under (b) of this section if the person

5 (1) is at least 18 years of age;

6 (2) is convicted of consumption of alcohol under AS 04.16.050;

7 (3) was driving a motor vehicle while under the influence of alcohol;

8 and

9 (4) had, as determined by a chemical test taken within four hours after
10 consuming the alcohol, 0.02 percent or more but less than 0.10 percent by weight of
11 alcohol in the person's blood, or 20 milligrams or more of alcohol but less than 100
12 milligrams per 100 milliliters of blood, or 0.02 grams or more of alcohol but less than
13 0.10 grams per 210 liters of the person's breath.

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

16 (1) for a first conviction, the revocation shall be for a period of not less
17 than one year;

18 (2) for a second or subsequent conviction, the revocation shall be for
19 a period of two years, or until age 21, whichever period is longer.

20 (c) After revoking a person's driver's license under this section the court may,
21 upon petition of the person, review the revocation and may restore the driver's license,
22 except a court may not restore the driver's license until

23 (1) at least one-half of the period of revocation imposed under this
24 section has expired; and

25 (2) the person has taken and successfully completed a state approved
26 program of alcohol education and rehabilitation; this paragraph does not apply to a
27 person who resides in an area that does not offer a state approved alcohol education
28 and rehabilitation program or a person that the court determines does not need alcohol
29 education and rehabilitation.

30 * **Sec. 5.** This Act takes effect July 1, 1994.