

SENATE BILL NO. 133

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE TRANSPORTATION COMMITTEE BY REQUEST

Introduced: 2/24/93
Referred: JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the revocation of a person's driver's license, privilege to
2 drive, or 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 12.55 is amended by adding a new section to read:

5 Sec. 12.55.139. REVOCATION OF DRIVER'S LICENSE FOR DRUG
6 OFFENSE. In addition to other penalties provided by law, a court convicting a person
7 of an offense under AS 11.71 shall revoke the person's driver's license, privilege to
8 drive, or privilege to obtain a license for six months.

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

10 Sec. 28.15.162. ADMINISTRATIVE REVOCATION FOR A CONTROLLED
11 SUBSTANCE CONVICTION. (a) Upon receipt of a certified judgment showing that
12 a person has been convicted of an offense under 21 U.S.C. 801 - 21 U.S.C. 958 or a
13 similar offense in another jurisdiction, the department shall revoke a person's driver's
14 license, privilege to drive, or privilege to obtain a license for six months from the date

1 of conviction.

2 (b) If a person is not old enough to apply for a driver's license or permit at
3 the time of an administrative revocation under (a) of this section, the period of
4 revocation begins on the date that the person is eligible to apply for a driver's license
5 or permit.

6 (c) In this section, "convicted" includes an adjudication under juvenile
7 proceedings.

8 * Sec. 3. AS 28.15.181(c) is amended to read:

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

16 (1) at least 90 days if the person has not been previously convicted
17 except as provided in (g) of this section:

18 (2) at least one year if the person has been previously convicted once;

19 (3) at least five years if the person has been previously convicted twice;

20 (4) at least 10 years if the person has been previously convicted more
21 than twice.

22 * Sec. 4. AS 28.15.181 is amended by adding a new subsection to read:

23 (g) A court shall revoke a person's driver's license, privilege to drive, or
24 privilege to obtain a license for not less than six months upon a first conviction for an
25 offense described in (a)(5) of this section if the person was under the influence of a
26 substance that is a controlled substance under AS 11.71.

27 * Sec. 5. AS 28.15.185(a) is amended to read:

28 (a) A person who is at least 13 years of age but not older than 17 years of age
29 who is adjudicated by a juvenile court of misconduct involving a controlled substance
30 under AS 11.71 or possession or consumption of alcohol under AS 04.16.030 is subject
31 to revocation of the person's driver's license, privilege to drive, or privilege to

1 obtain a license under (b) of this section.

2 * Sec. 6. AS 28.15.185(b) is amended to read:

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

5 (1) for a first alcohol-related conviction or adjudication, the revocation
6 may be for a period not to exceed 90 days;

7 (2) for a second or subsequent alcohol-related conviction or
8 adjudication, the revocation may be for a period not to exceed one year;

9 (3) for a conviction or adjudication involving a controlled
10 substance, the revocation shall be for a period of not less than six months and not
11 to exceed one year.

12 * Sec. 7. AS 28.15.185(c) is amended to read:

13 (c) Upon conviction or adjudication of an offense listed in (a) of this section,
14 the court may, upon petition of the person, review the revocation and may restore the
15 driver's license or privilege, except that a court may not restore the driver's license
16 or privilege until

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

19 (2) the person has taken and successfully completed a state approved
20 program of drug rehabilitation if convicted of misconduct involving a controlled
21 substance [UNDER AS 11.71], or alcohol rehabilitation if convicted of possession or
22 consumption of alcohol under AS 04.16.050; this paragraph does not apply to a person
23 who resides in an area that does not offer a state approved drug or alcohol
24 rehabilitation program or a person that the court determines does not need alcohol or
25 drug rehabilitation.

26 * Sec. 8. AS 28.15.185 is amended by adding a new subsection to read:

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

31 * Sec. 9. This Act takes effect April 1, 1993.