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MEMORANDUM

TO: Senator Kerttula

FROM: Elizabeth J. Hickerson

RE: SB 147 "An Act relating to safeguarding self-identity and address of motor vehicle operators involved in accidents."

DATE: March 21, 1983

SB 147 amends the motor vehicle statute AS 28.35.060 (Duty of Operator to Give Information and Render Assistance.) The statute presently provides that operators of motor vehicles involved in accidents that result in injury or death are required to give their name, address and vehicle license number to the person struck or injured or the operator of the other vehicle involved. Failure to so provide is punishable by imprisonment by not more than one year or by a fine of not more than \$500 or both.

The intent of SB 147 is to provide an alternative means of releasing identifying information to the operator of the other motor vehicle involved in an accident. This option would allow an operator to provide only the operator's vehicle license number and informing the recipient of the license information that the operator will provide the local police department or the Alaska State Troopers with the operator's name and address.

The purpose of providing an alternative means of identification is to safeguard one's identity particularly in circumstances where the operator is alone and fears releasing such information to a total stranger. While in most cases operators of motor vehicles will willingly provide the information as required by AS 28.35.060, there are situations where due to security measures one is apprehensive to release home location. By providing the operator's vehicle license number and additional information to law enforcement agents the essential information is properly recorded.

According to the Division of Motor Vehicles the name and address on a motor vehicle registration is public information and can be identified through the vehicle license number and released upon request.

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE:

[RECEIVED]

March 14, 1983

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Josephson,

Senator Vic Fischer
Pouch V
Juneau, AK, 99811

Dear Senator Fischer:

In response to your request for a Position Paper on SB 147, the following is submitted.

First let me state that all motor vehicle traffic accidents are not investigated by the police. If there is not bodily injury, and property damage is less than \$500, an accident need not be reported to the police. Even if damages exceed \$500, not all accidents are reported and/or investigated by police for several reasons, sometimes due to nonavailability of an officer at the time of the accident.

If this Bill were to pass, the person at fault, or any other operator, could legally refuse to provide any other driver or injured person with name and address information at the scene of the accident. They could state they will call the police, and leave said information with a police agency. However, a large percentage of those who refused to give their name and address at the scene would not call the police, thus the other driver or injured person would have little recourse. For those who did call the police it could create a burden on police agencies in trying to coordinate the information. A participant, and an attorney may contact different police agencies.

The section of the Bill which states the operator must provide the vehicle license number would basically be of little value. The other party to the accident can easily determine that by looking at the vehicle. Plus, this is of little benefit in determining the party responsible for damages as a person cannot tell from the registered owners name who was driving at the time of the accident. The other party, or injured person, would be required to contact the registered owner, which may also prove to be of little value in determining who the driver was if the owner does not know (stolen vehicle, etc.), or does not wish to reveal that data to the other person involved.

An injured party would not be able to file action in small claims court without an attorney, because they would be unable to obtain the name and address of the operator.

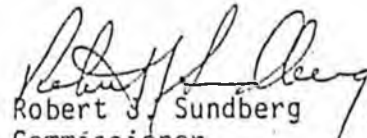
Senator Vic Fischer
March 14, 198.
Page Two

The Division of Motor Vehicles currently releases information from accident reports to participants, however, not attorneys or insurance companies without authorization from the participant, per AS 28.15.151. In situations where a person takes advantage of this Bill, and refuses to release his name to the injured party, and the accident is investigated, the injured party must hire an attorney to obtain the information from an investigating agency or DMV, and provide a written release authorization form.

If the police or DMV have the data, I'm sure the injured party will be able to obtain the name and address from their attorney, if they can afford to hire one. Therefore, I feel this does little more than drum up business for attorneys. In an effort to protect victims of accidents, it has the tendency to create extreme hardships on others. I don't feel this "benefit" would be used by the "sweet young lady", but by the "rebel rousers".

The law is too open for misuse, and places an unnecessary burden on the public and police agencies.

Sincerely,


Robert J. Sundberg
Commissioner

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

POUCH V, JUNEAU 99811

SENATOR VIC FISCHER, CHAIRMAN

(907) 465-4954



March 24, 1983
Room
3:00pm

Butrovich
Capitol Bldg.

Members Present

Senator Vic Fischer, Chair
Senator Bill Ray, Vice-Chair
Senator Pat Rodey
Senator Jalmar Kerttula

SB 147--Safeguarding self-identity and address of motor vehicle operators involved in accidents

Anna Kerttula, Aide to Senator Jalmar Kerttula, spoke in favor of the bill. She said that some persons involved in accidents found it uncomfortable to give out their names and addresses to total strangers. There is a fear that this could lead to harassment. She offered an amendment which would require persons involved in accidents to give their name and vehicle license number but not their address to the other party.

Senator Kerttula (prime sponsor) said that the intent of this bill is to deter after accident confrontations at a person's residence.

Senator Ray moved and asked unanimous consent to adopt the amendment and to move the bill from committee with individual recommendations. There was no objection.

HCR 2--Relating to travel by senior citizens aboard vessels of the state marine highway system

Senator Fischer stated that Senator Eliason had requested a committee substitute which would include handicapped persons under this resolution.

Marty Nusbaum, director of the Alaska Marine Highway System, stated that in the winter there was no problem traveling on a space available basis but in the summer it was possible for someone to get bumped in the middle of their trip.

Senator Ray expressed concern that organized tours of elderly citizens would take advantage of the free passage provisions of this resolution.

Mr. Nusbaum said that this resolution would apply only to feeder lines and this would mitigate the problem since most tours are on the mainline ferries.

Senator Fischer asked why there was a zero fiscal note when the bill analysis indicated that this resolution could cause a loss of revenues of up to \$175,000.00. Mr. Nusbaum said that his understanding is that fiscal notes only reflect expenditures and not revenue losses.

Representative Grussendorf (prime sponsor) spoke in favor of the bill. He was of the opinion that the only senior citizen who would take advantage of this resolution would be residents of those communities served by the feeder lines or relatives of these residents.

Senator Ray offered an amendment which would strike the term "older Alaskans" and insert the term "senior citizens" wherever the former appear.

A general discussion followed regarding residency restrictions on the marine highway systems. The consensus was that federal rules prohibited residency restrictions where federal funds are used. The marine highway system receives federal highway funds.

Senator Eliason testified in favor of the proposed committee substitute.

Senator Ray moved and asked unanimous consent to adopt the committee substitute as amended and to move the bill from committee with individual recommendations. There was no objection.

Dove Kull, representing herself, testified in favor of the resolution.

SB 106--Prison overcrowding

David Dye, aide to the committee, explained a proposed committee substitute to the committee. A memo summarizing Mr. Dye's remarks is attached to this report.

Mike Stark, Department of Law, testified in favor of the CS and stated that Mr. Endell, director of the Division of Corrections also supported it.

Senator Ray commented that many inmates who are eligible for parole under the present system do not apply and choose to remain incarcerated.

Senator Fischer asked what the public safety considerations were under this bill. Mr. Stark stated that he thought that these concerns would

be minimal since only non-violent felons would be released and that they would all be within 120 days of the end of their original sentence.

Senator Ray expressed concern that the public would blame the legislature if inmates released under this bill committed an offense while on parole.

Senator Fischer asked if some screening process could be built into the bill. Mr. Stark stated that there was already a built in screening process. No violent criminals would be released. Under the regular parole process violent felons can be released but not under this bill.

Senator Rodey moved and asked unanimous consent for adoption of the committee substitute and to move the bill from committee with individual recommendations. There was no objection.

Senator Fischer adjourned the meeting at 4:00pm.

by
David Dye
Committee Aide

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

PCUCH V, JUNEAU 99811

(907) 465-4954



TO: Senate State Affairs
Committee Members

FROM: David Dye, 
Committee Aide

DATE: March 24, 1983

RE: Draft CS for Senate Bill 106--Prison overcrowding

This draft CS addresses concerns identified by the committee at the first hearing on this bill. The draft is the product of the cooperative effort of committee staff, department of law staff and corrections staff.

According to the Division of Corrections estimates, SB 106 would release approximately 40 felons in an emergency overcrowding situation. This draft CS would release approximately 55 felons and an additional 30 misdemeanants. To be eligible for release, misdemeanants must be serving a sentence of 20 days or longer and have served at least one-half of that sentence. Under these criteria drunk drivers incarcerated for a mandatory minimum sentence on first or second offense would not be eligible for release.

The draft differs from the original bill in the following ways (page and line references are to the draft CS):

Page 2, line 2. A state of emergency overcrowding is certified after a 25 day waiting period instead of 30 days.

Page 2, line 3. The director shall immediately certify the state of overcrowding following the 25 day waiting period rather than have 48 hours to so certify.

Page 2, line 5. The director has 5 days to submit a list of prisoners eligible for release after the 25 day waiting period rather than 15 days.

Page 3, lines 6, 17 and 21. Parole or probation may be revoked for a violation of a municipal ordinance which is punishable by imprisonment. In the original bill violation of any municipal ordinance could revoke probation or parole.

Page 3, line 25. Limits the applicability of subsection (a) to felons (a new subsection (b) applies to misdemeanants, see below).

Page 3, line 28. The requirement that a prisoner be continuously incarcerated during the 25 day period of the waiting period has been deleted.

Page 4, lines 3-4 and 6-7. This bill is made applicable to crimes committed under the old criminal code.

Page 4, line 12. Adds language to subsection (E) limiting its applicability to felons (a new subsection (b) applies to misdemeanants, see below).

Page 4, line 14. Changes this criterion to 120 days rather than 90 days.

Page 4, line 16. Adds a requirement that a felon serve at least one-half of his or her sentence.

Page 4, line 17. Subsection (b) is added to release with misdemeanants under different eligibility criteria than felons.

Page 5, lines 13-16. Adds definitions of "felony" and "misdemeanor".