

HB

199

STATE OF ALASKA  
THE LEGISLATURE

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JUNEAU, ALASKA 99811  
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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Transportation

2/27/85 7am

UNFINISHED BUSINESS

HB 115

The Speaker waived the Judiciary Committee referral on HOUSE BILL NO. 115 (setting of venue by supreme court rule) at the request of the Chairman.

HB 115 was sent to the Rules Committee for placement on the calendar.

HB 199

The Speaker waived the Judiciary Committee referral on HOUSE BILL NO. 199 (relating to motor vehicles) at the request of the Chairman.

HB 199 was sent to the Rules Committee for placement on the calendar.

HCR 16

Representative Gruenberg added his name as co-sponsor to HOUSE CONCURRENT RESOLUTION NO. 16 (relating to the longevity bonus program).

HB 146

Representative Davis added his name as co-sponsor to HOUSE BILL NO. 146 (relating to housing loans for the permanently disabled).

ENGROSSMENT

HCSSJR 14(Res) was engrossed, signed by the Speaker and the Chief Clerk and transmitted to the Senate for consideration.

MEMO



Phone: 465-3725  
Room: 214 Capitol

From the desk of CHIEF CLERK

TO: Judiciary                      DATE: 3/6/85

Please return the committee copies  
of HB 199 and HB 115 to the Chief Clerk  
They are being waived to Rules.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 199  
 Title: An Act relating to motor vehicles  
 Sponsor: Taylor  
 Requestor: House Transportation  
 Date of Request: 2-25-85

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Life and Property Protection  
 BRU, Program or Subprogram(s) Affected: Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact.

Prepared By: Charles R. Hosack Phone: 269-5551  
 Division: Motor Vehicles Date: 2-22-85

Approved by Commission: Michael J. Clemens Date: 2-25-85  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

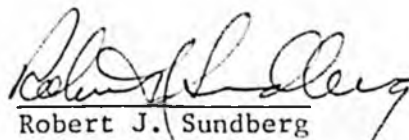
HB-199      SUPPORT

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February 22, 1985

This bill has two purposes. First, it will reduce the size of cycle that 14 and 15 year old drivers may operate from 150cc to 50cc. This will bring Alaska statutes in line with the majority of other states in defining a motor-driven cycle and it will also increase highway safety. Over the last five years 14 and 15 year old drivers have been involved in over 10% of the motorcycle accidents while this same age group is less than 1% of the total number of licensed motorcycle operators.

The second purpose would be to allow the holder of a basic driver license to operate a motor-driven cycle without a special endorsement. This would be beneficial for commercial operators who wish to rent mopeds to tourists. To accomplish this purpose the division would need to amend regulations to permit operation of the motor-driven cycle on the basic license. No other changes are necessary.

  
Robert J. Sundberg  
Commissioner

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH N  
JUNEAU, ALASKA 99811  
PHONE: 465-4322

January 30, 1985

The Honorable Robin L. Taylor  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Taylor:

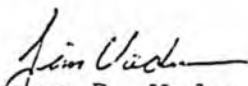
Attached is a recommendation from Director John Lucking concerning moped licenses.

This recommendation will allow companies to rent mopeds to licensed drivers; which is what we believe your intent was.

At the same time, it will allow us to maintain various classes of licenses which we feel are important to public safety. The Administration has requested that we begin to develop testing criteria for heavy commercial vehicle drivers. As you can see from the attached memorandum, our motorcycle testing has reduced fatal motorcycle accidents.

If we can be of further assistance, please let me know.

Sincerely,

  
James D. Vaden  
Deputy Commissioner

# MEMORANDUM

# State of Alaska

to: James D. Vaden  
Deputy Commissioner  
Department of Public Safety

DATE: January 23, 1985

FILE NO:

THRU: John H. Lucking, Director  
Division of Motor Vehicles *JHL*

TELEPHONE NO: 269-5551

FROM: Charles R. Hosack, Deputy Director  
Division of Motor Vehicles *CRH*  
Department of Public Safety

SUBJECT: Moped Operator Licenses

I have reviewed the file and the draft bill from Representative Robin Taylor on "Moped Operator Licenses". The draft bill would completely eliminate the classified license so that the basic license would allow a person to drive any vehicle, including motorcycles and mopeds. For a number of reasons this division would oppose the elimination of the classified licensing system, but I do have a proposal that would address Representative Taylor's concerns as well as correct some problems with the current licensing statutes.

There is a definite need for a classified licensing system based on safety issues. The safe operation of two-wheeled vehicles requires different skills and knowledge than those which apply to four-wheeled vehicles and most states recognize this fact. In 1984, 46 states required either a motorcycle license or endorsement and this type of license is strongly supported by the Motorcycle Safety Foundation. The effectiveness of this type of licensing can be seen in Alaska's experience. During the time that the classified licenses have been in effect the number of fatal motorcycle accidents has decreased from 20 in 1978 to 8 in 1982. While not all of this is due solely to the motorcycle license, that program has had a major effect on these numbers.

The same safety rationale is not as strong when applied to mopeds. The moped is generally limited to engines of 50 cc or less and many states also limit the maximum speed to 35 mph and the horsepower to 2 BHP. With these limitations the use of the moped is somewhat restricted and the chances for accidents and injuries are reduced. This is the reason that many states allow the operation of mopeds with only a basic license.

Alaska does not issue a "moped license" but we do issue a permit for operation of a motor-driven cycle. The original intent of this permit was to allow 14 and 15 year old drivers to operate low-powered two-wheeled vehicles. The motor-driven cycle was defined as a vehicle with an engine of less than 150 cc or 5 BHP. With current technology these engines are no longer low-powered and it is possible to operate up to and even exceed the maximum legal speed of 55 mph. I do not believe this type of operation is in keeping with the original intent

of the law. In accident statistics over the last 5 years 14 and 15 year old drivers have been involved in over 10% of the motorcycle accidents while this same age group is less than 1% of the total number of licensed motorcycle operators.

To address this safety concern and Representative Taylor's concern, I would propose that the definition of "motor-driven cycle" in Alaska Statute 28.35.260(a)(9) be changed to read:

(9) "motor-driven cycle means a motorcycle, motor scooter, motorized bicycle, moped, or similar conveyance with a motor attached and having an engine with less than 50 [150] cubic centimeters of displacement or with not to exceed 2 [5] brake-horse power.

At the same time the division would amend 13 AAC 08.150(b)(1) to read:

(1) Class A license - motor-driven cycles, cars buses, trucks, and towed vehicles.

This proposal would bring Alaska in line with most other states by allowing operation of mopeds on a regular license and, at the same time, reduce the size of bike that could be driven by the younger drivers. It also has the added benefit of preserving the classified license system so that the division can react quickly to changing safety needs by adding other classes such as commercial vehicles if the situation arises. This type of change would only require changing regulations rather than changing statutes.

There would be no fiscal impact with this proposal. The only negative aspect would be the impact on those 14 and 15 year old drivers who have a cycle larger than 50 cc. There are currently only 146 licensed drivers in that age group, so the impact would be fairly small.

DEPARTMENT OF PUBLIC SAFETY  
COMMISSIONER'S OFFICE  
Juneau, Alaska

JAN 28 1985

or to court-appointed counsel. The action is brought in the name of the state; it is commenced by the filing of a complaint by a law enforcement official; it is prosecuted by the district attorney. The exceptions appear to merely codify existing constitutional law. *State v. Claytor*, Sup. Ct. Op. No. 1734 (File No. 3983), 584 P.2d 1111 (1978).

Applied in *Manderson v. State*, Ct. App. Op. No. 198 (File No. 6894), 655 P.2d 1320 (1983).

Stated in *Francis v. Municipality of Anchorage*, Ct. App. Op. No. 70 (File No. 5659), 641 P.2d 226 (1982).

Cited in *Lowry v. State*, Ct. App. Op. No. 181 (File Nos. 6328, 6434), 655 P.2d 780 (1982).

Collateral references. — 7A Am. Jur. 61A C.J.S., Motor Vehicles, §§ 588 to 2d, Automobiles and Highway Traffic, 595.  
§ 204.

**Sec. 28.40.100. Definitions for title.** (a) Unless otherwise specifically defined or unless the context otherwise requires, in this title and in regulations adopted under this title

(1) "cancel" means the annulment or termination by formal action of the department of a certification, registration, license, permit or privilege issued or allowed under this title or regulations adopted under this title, because of an error or defect in the document issued or the application for issuance or because the person holding the document is no longer entitled to it;

(2) "commissioner" means the commissioner of public safety;

(3) "department" means the Department of Public Safety;

(4) "driver" means a person who drives or is in actual physical control of a vehicle;

(5) "driver's license", or "license" when used in relation to driver licensing, means a license, permit or privilege, whether or not a person holds a valid license issued in this or another jurisdiction, to drive a motor vehicle under the laws of this state;

(6) "highway" means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;

(7) "motor vehicle" means a vehicle which is self-propelled except a vehicle moved by human or animal power;

(8) "motorcycle" means a vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; the term does not include a tractor;

(9) "motor-driven cycle" means a motorcycle, motor scooter, motorized bicycle, or similar conveyance with a motor attached and having an engine with less than 150 cubic centimeters of displacement or with not to exceed five brake-horsepower;

(10) "municipality" means a home rule or general law borough or city including, but not limited to, a unified municipality organized under AS 29.68;

obtain an additional endorsement for another class of license must make an application for a change or endorsement, and must submit to an appropriate examination for the change or endorsement for which the licensee is applying. An applicant for a change in classification or an endorsement must pay the appropriate fee set out in AS 28.15.211.

(e) Repealed 3/30/84.  
(Eff. 8/15/75, Reg. 55; am 3/30/84, Reg. 89)  
Authority: AS 28.05.011  
AS 28.15.041

13 AAC 08.160. MEDICAL CERTIFICATION REQUIRED FOR CERTAIN LICENSES AND PERMITS. Repealed 3/30/84.

ARTICLE 4.  
TRAFFIC VIOLATIONS DEMERIT POINT SYSTEM

- Section
- 210. Demerit point schedule
- 220. Point accumulation—Application to driver record; coverage
- 230. Suspension or revocation of driving privilege—Duration
- 240. Driver improvement interview
- 250. Driver improvement recommendations —Application by department
- 260. (Repealed)
- 265. Suspension for failure to appear for driver improvement interview or failure to comply with recommendations made in driver improvement interview
- 270. (Repealed)
- 275. Form of notice of suspension for point accumulation
- 280. (Repealed)
- 285. Administrative review of suspension for point accumulation
- 290. Definitions

13 AAC 08.210. DEMERIT POINT SCHEDULE. For purposes of administratively identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic laws and in order to identify problem drivers, the following violations will be accorded these corresponding numerical weights upon conviction:

Violation or Type of Violations	Point Value
(1) driving while license cancelled, suspended, or revoked, or in violation of license limitation . . . . .	10
(2) driving while intoxicated . . . . .	10
(3) reckless driving . . . . .	10
(4) speed contest-racing . . . . .	10
(5) fleeing or attempting to elude a police officer . . . . .	10
(6) leaving scene of accident . . . . .	9
(7) negligent driving . . . . .	6
(8) failure to yield right-of-way to authorized emergency vehicle . . . . .	6
(9) failure to stop for school bus while bus is loading or unloading . . . . .	6
(10) failure to obey official traffic control device in school zone, playground crosswalk, or park . . . . .	6
(11) speeding:	
in school zone or playground crosswalk . . . . .	6
3 to 9 miles per hour over limit . . . . .	2
10 to 19 miles per hour over limit . . . . .	4
20 or more miles per hour over limit . . . . .	6
(12) violation of oversize or overweight permit pertaining to restriction on speed:	
3 to 9 miles per hour over limit . . . . .	2
10 to 19 miles per hour over limit . . . . .	4
20 or more miles per hour over limit on hours of operation . . . . .	6
(13) careless driving . . . . .	4
(14) following too closely . . . . .	4
(15) failure to stop or yield . . . . .	4
(16) all others . . . . .	2

(Eff. 11/4/74, Reg. 52; am 3/29/75, Reg. 53; am 12/1/78, Reg. 68; am 9/28/80, Reg. 76; am 3/28/82, Reg. 81)

Authority: AS 28.15.221

mailed by registered or certified mail to the last known address of the addressee as shown in the department's records, is considered delivered upon return of the receipt or upon return of the notice as undeliverable, unclaimed, or refused. (Eff. 12/31/69, Reg. 31; am 7/23/70, Reg. 35; am 1/26/79, Reg. 69)

Authority: AS 28.05.121  
AS 28.20.020  
AS 28.20.090

**13 AAC 08.110. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE.** The department will require proof of financial responsibility for the future in the following cases, in addition to those specifically required by statute:

(1) the driver or owner of a vehicle subject to registration in this state involved in an accident resulting in death, injury, or property damage in excess of \$500 to the property of any one person, if in the department's opinion there is a reasonable possibility that the driver or owner would be held liable for damages by a court;

(2) a person, who, as a result of a conviction or forfeiture of bail for offenses under AS 28.15.181, has his operator's license suspended or revoked;

(3) a person who is convicted or forfeits bail on a charge of driving while his license is suspended, revoked, or cancelled;

(4) a person who fails to satisfy a judgment arising from a motor vehicle accident which occurred either in or outside this state. (Eff. 1/26/79, Reg. 69)

Authority: AS 28.20.020 AS 28.20.260  
AS 28.20.230 AS 28.20.330  
AS 28.20.240 AS 28.20.340

**ARTICLE 3.  
CLASSIFIED DRIVER'S LICENSES**

- Section  
140. Unlawful use of classified license  
150. Classes of licenses  
160. (Repealed)

**13 AAC 08.140. UNLAWFUL USE OF CLASSIFIED LICENSE.** It is unlawful for a holder of a classified driver's license to operate a

motor vehicle other than the type of motor vehicle which the person is permitted to operate under 13 AAC 08.150 according to the classification or endorsement on the person's license. (Eff. 8/15/75, Reg. 55; am 3/30/84, Reg. 89)

Authority: AS 28.05.011  
AS 28.15.041

**13 AAC 08.150. CLASSES OF LICENSES.** (a) An applicant for a classified license, or for an endorsement to a classified license must submit to an examination appropriate to the class of license or endorsement for which the person is applying.

(b) The classifications of driver licenses, and the vehicles which a holder of each class or subclass of license may operate, are as follows:

(1) Class A license – Cars, buses, trucks, and towed vehicles.

(A) repealed 3/30/84;

(B) repealed 3/30/84;

(C) repealed 3/30/84;

(D) repealed 3/30/84;

(2) Class B license – Motorized cycles. A person holding a Class "B" driver's license may only operate the vehicles designated in one of the following subclassifications as indicated upon the person's license:

(A) B-1: motorcycles, motor-driven cycles, and motorized bicycles, singly or in combination with trailers or sidecars designed to be used with these vehicles;

(B) B-2: motor-driven cycles and motorized bicycles.

(c) To operate a school bus transporting school children, a person is required to have a valid Class A license, and a valid school bus driver permit as prescribed in AS 28.15.041(b) and 13 AAC 08.005 – 13 AAC 08.060. This permit is the "license" referred to in AS 28.15.041(b).

(d) A holder of a classified license who wishes to change the classification on the license, or to