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FEB 20 1986

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CS HB 472 (Trans)

Neutral

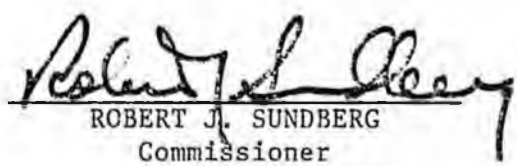
February 14, 1986

*file*

CS HB 472 (Trans). An Act relating to suspension and revocation of a minor's license to drive and the definition of driver's license.

The committee substitute addresses the problem areas previously addressed in the original bill.

As a point of information, current law (AS 28.20.240) will require the individual to file and maintain proof of financial responsibility for the future (SR-22 insurance) for three years. If the SR-22 is not filed the license action will continue for that additional three year period. This will apply to a person convicted of an offense listed in AS 28.15.185(a)(1), however, not (a)(2) because those records must be sealed per line 22, page 4. It already applies to persons convicted of offenses listed in (a)(3) and (a)(4).

  
ROBERT J. SUNDBERG  
Commissioner

HOUSE

COMMITTEE REPORT

JUDICIARY

Date referred: 1/14/86

FURTHER REFERRALS: FINANCE

DATE: 2-16-86

The TRANSPORTATION Committee has considered HB 472

"An Act relating to suspension and revocation of a minor's license to drive and the definition of a driver's license; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CSHB 472(CTRSP)  same title
- new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Dick Stought  
W. J. ...  
Better Cato

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Mike D  
Cedric Hermann No. Pass  
A. M. MARCOU Do Not Pass  
DISCRIMINATES AGAINST YOUNG PEOPLE

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Better Cato  
Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST Page 1 of 3  
Bill Resolution No.: CS HB 472 (Trans.)  
Title: An Act relating to suspension  
and revocation of a minor's  
license to drive...  
Sponsor: Taylor  
Requester: House Transportation  
Date of Request: 2-11-86

FISCAL DETAIL  
Agency Afforded: Public Safety  
BRU: Motor Vehicles  
  
Components: Driver Services

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		5.4	7.5	7.9	8.3	8.7
TRAVEL						
CONTRACTUAL		.2	.2	.2	.2	.2
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT		2.1				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		8.0	7.8	8.2	8.6	9.0
CAPITAL						
REVENUE		1.0	9.5	18.0	34.0	34.0

FUNDING : (Thousands of Dollars)

GENERAL FUND		8.0	7.8	8.2	8.6	9.0
FEDERAL FUNDS						
OTHER						
TOTAL		8.0	7.8	8.2	8.6	9.0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

One part-time clerical position will be necessary to handle additional work-load, including preparing file, entry of license action on computer, preparing certified copies, notifying individual, maintaining proof of insurance file, preparation of records for microfilm, entry of data on microfilm retrieval system, etc. Cost breakdown attached.

Prepared by: Bill Brown Phone: 465-2650  
Division: Motor Vehicles Date: 2-11-86

Approved by Commissioner: [Signature] Date: 2/11/86  
Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agencies

10/25/85

**HOUSE JOURNAL SUPPLEMENT**

February 12, 1986

No. 84

**REQUEST**

Bill Resolution No.: Executive Order 52  
 Title: Transfer Fire-Service Training  
from Department of Education  
to Department of Public Safety  
 Sponsor: Governor Sheffield  
 Requester: House State Affairs  
 Present Requester: \_\_\_\_\_

**FISCAL DETAIL**

Revision Date: \_\_\_\_\_  
 Agency Affected: Public Safety  
 BRU: Fire Prevention  
 Components: Fire Service Training

**EXPENDITURES-REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		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>		0	0	0	

**POSITIONS :**

ADD					
DELET					
TRANS					

**ANALYSIS :** Attach a separate page if necessary

No fiscal impact. The FY 86 budget is covered by RSA from the Department of Education and the FY 87 budget request is included in the Department of Public Safety's request. In addition, an increment is included in the Governor's request for FY 87 to cover the program's short funding and fully implement this program. If the Governor's request is not passed, then the Department of Public Safety would have a fiscal impact.

Prepared by: Jon Uppeas Budget Analyst Phone: 462-3449  
 Division: Administrative Services Date: 1/15/86

Approved by Commissioner: [Signature] Date: 1-17-86  
 Agency: Public Safety

Distribution: (by Agency routing slip only)

Position Title PTT		Document Processing Clerk II	RP Number	No. of Positions 1	Range/Step 15b	Days/Unit 4	Gov. LTS	Approv. LTS	Disapp.
Time Status		Staff Vacant	12	Location Juneau	Essence District 4				
Justification									
<p>This legislation will require action against the driving privileges of an estimated 300 to 400 individuals who are convicted of, or adjudicated for offenses which do not currently require action. This position will prepare files, establishing beginning and ending dates of the action; enter the license action on the individual's driving record; change the status on the individual's record; send a notice to the individual concerning the action and requirements for reinstatement; prepare certified copies for prosecutors when individual is arrested for driving while revoked; maintain proof of insurance file after reinstatement; change status on driving record when license action is over; prepare record for microfilm; enter data on microfilm retrieval system; and assist in correspondence concerning the license action.</p> <p>This form prepared reflecting nine months cost. Position to begin October 1, 1986.</p>									
Type of Expenditure		Amount							
1	2	3							
Salary	6.3								
Benefit	1.1								
Premium Pay									
Other		5.4							
Total Personnel Services									
Travel		.7							
Contractual		.1							
Commodities		2.3							
Equipment									
Other		8.0							
Total Cost									
Receipt Code		Funding Source							
		Federal Receipts 1002							
		G. E. Mail 1003							
		General Funds 1004							
		I-A Receipts 1005							
		Program Receipts 1022							
		City Receipts 1061							
		Other							
For B&M Use Only Key Number:									

FY 87

CSJR 1-72 (Trans)  
 Page 3 of 3  
 Revised Date

Agency Public Safety  
BRU Motor Vehicles  
 Component Driver Services

**Request For  
New Position**

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. CS HR 472 (Trans.) Page 2 of 1DETAIL

100	Personal Services		
	One Document Processing Clerk II		
	Part-Time, 2 hours per day	5.4	5.4
300	Contractual		
	Postage and tolls	.2	.2
400	Commodities		
	Normal office supplies	.1	.1
500	Equipment		
	1 typewriter	1.2	
	1 desk	.6	
	1 chair	.2	
	1 file cabinet	.3	
			2.3
			<u>8.0</u>

INFORMATION

It has been learned that of the total number of youth ages 13 to 17 who are arrested for offenses outlined in AS 28.15.185(a)(1) and (2), an estimated 300 to 400 will be convicted or adjudicated by a juvenile court. Therefore, a full time position will not be required to process the additional workload, and the fiscal note has been revised downward for a part-time position only.

With the effective date being September 1, 1986, documents will not start being received from the Court until around October 1, 1986. Therefore, personal services for FY87 reflect a nine month period with the employee being hired October 1, 1986. Other items are budgeted accordingly with the first full year being FY88.

FY88 and subsequent years reflect a 5% inflation factor.

REVENUE

Statutes require payment of a \$100.00 reinstatement fee prior to issuance of a driver's license following a suspension or revocation. The revenue indicated is based on an estimation of the number of minor's whose driving privileges were taken away under this legislation who would not have otherwise lost those privileges, and who will apply for a license and pay a \$100.00 fee. If the offense is for AS 28.15.185(a)(2), and the person does not apply for a license prior to the sealing of the record at age 18, the \$100 fee will not be collected.

Original sponsor: Taylor By Request

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 472 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to suspension and revocation of a  
7 minor's license to drive and the definition of driv-  
8 er's license; and providing for an effective date."

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

10 \* Section 1. AS 28.15.181(c) is amended to read:

11 (c) Except for court revocation of a minor's license to drive  
12 under AS 28.15.185, a [A] court convicting a person of an offense  
13 described in (a)(5) or (8) of this section arising out of the opera-  
14 tion of a motor vehicle for which a driver's license is required shall  
15 revoke that person's driver's license as provided in this subsection.  
16 The revocation may be concurrent with or consecutive to an administra-  
17 tive revocation under AS 28.15.165. The court may not, except as  
18 provided in (e) of this section, grant limited license privileges for  
19 the following periods:

20 (1) not less than 90 days if, within the preceding 10  
21 years, the person has not previously been convicted of an offense

22 (A) described in (a)(5) or (8) of this section; or

23 (B) under a law or ordinance in another jurisdiction  
24 with elements substantially similar to an offense described in  
25 (a)(5) or (8) of this section;

26 (2) not less than one year if, within the preceding 10  
27 years, the person has been previously convicted of one offense

28 (A) described in (a)(5) or (8) of this section; or

29 (B) under a law or ordinance in another jurisdiction

1 with elements substantially similar to an offense described in  
2 (a)(5) or (8) of this section;

3 (3) not less than 10 years if, within the preceding 10  
4 years, the person has been previously convicted of more than one of  
5 the following offenses or has more than once been previously convicted  
6 of one of the following offenses:

7 (A) an offense described in (a)(5) or (8) of this  
8 section; or

9 (B) an offense under another law or ordinance in  
10 another jurisdiction with elements substantially similar to an  
11 offense described in (a)(5) or (8) of this section.

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

13 Sec. 28.15.185. COURT REVOCATION OF A MINOR'S LICENSE TO DRIVE.

14 (a) A person who is at least 13 years of age, but not older than 17  
15 years of age who is convicted, or adjudicated by a juvenile court, of  
16 having committed one of the following offenses shall have the person's  
17 driver's license revoked:

18 (1) misconduct involving a controlled substance (AS 11.71);

19 (2) possession or consumption of alcohol (AS 04.16.050);

20 (3) driving a motor vehicle while intoxicated (AS 28.35.-  
21 030);

22 (4) refusal to submit to a chemical test (AS 28.35.032).

23 (b) The court shall impose the revocation as follows:

24 (1) for a first conviction or adjudication, the revocation  
25 shall be for one year or until the person reaches 17 years of age,  
26 whichever is longer;

27 (2) for a second or subsequent conviction or adjudication,  
28 the revocation shall be for one year or until the person reaches 18  
29 years of age, whichever is longer.

1 (c) Upon conviction or adjudication of an offense listed in (a)  
2 of this section the court may, upon petition of the person, review the  
3 revocation and may restore the driver's license, except a court may  
4 not restore the driver's license for a period of

5 (1) 90 days for the first conviction or adjudication;

6 (2) one year for second or subsequent convictions or adju-  
7 dications.

8 \* Sec. 3. AS 28.40.100(a)(5) is amended to read:

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

14 \* Sec. 4. AS 47.10.080(g) is amended to read:

15 (g) Except for purposes of driver's licensing under AS 28.15.-  
16 185, an [NO] adjudication under this chapter upon the status of a  
17 child may not operate to impose any of the civil disabilities ordi-  
18 narily imposed by conviction upon a criminal charge, nor may a minor  
19 afterward be considered a criminal by the adjudication, nor may the  
20 adjudication be afterward deemed a conviction, nor may a minor be  
21 charged with or convicted of a crime in a court, except as provided in  
22 this chapter. The commitment and placement of a child and evidence  
23 given in the court are not admissible as evidence against the minor in  
24 a subsequent case or proceedings in any other court, nor does the  
25 commitment and placement or evidence operate to disqualify a minor in  
26 a future civil service examination or appointment in the state.

27 \* Sec. 5. AS 47.10.090(a) is amended to read:

28 (a) The court shall make and keep records of all cases brought  
29 before it. The court's official records may be inspected only with

1 the court's permission and only by persons having a legitimate inter-  
2 est in them. All information and social records pertaining to a minor  
3 and prepared by an employee of the court or by a federal, state or  
4 city agency in the discharge of the employee's or agency's official  
5 duty, are privileged and may not be disclosed directly or indirectly  
6 to anyone without the court's permission, except for traffic offenses  
7 and driver's license action taken under AS 28.15.185. Traffic of-  
8 fenses and driver's license action may not be disclosed without the  
9 court's permission, except as specified in AS 28.15.151. However, a  
10 state or city law-enforcement agency shall disclose information re-  
11 garding a case which is needed by the person or agency charged with  
12 making a preliminary investigation for the information of the court.  
13 The court shall forward a record of adjudication of a violation of an  
14 offense listed in AS 28.15.185(a) to the Department of Public Safety.  
15 Within 30 days of the date of a minor's 18th birthday or, if the court  
16 retains jurisdiction of a minor past the minor's 18th birthday, within  
17 30 days of the date on which the court relinquishes jurisdiction over  
18 the minor, the court shall order sealed all the court's official  
19 records, information and social records pertaining to that minor, as  
20 well as records of all criminal proceedings against the minor and  
21 punishments assessed against the minor except for traffic offenses and  
22 driver's license action taken under AS 28.15.185(a)(1), (a)(3) or  
23 (a)(4). A person may not use these sealed records for any purpose  
24 except that the court may order their use for good cause shown or may  
25 order their use by an officer of the court in making a presentencing  
26 report for the court.

27 \* Sec. 6. This Act takes effect September 1, 1986.  
28  
29

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No. : CS HB 472 (Trans.)  
 Title : An Act relating to suspension  
 and revocation of a minor's  
 license to drive...  
 Sponsor : Taylor  
 Requestor : House Transportation  
 Date of Request : 2-11-86

FISCAL DETAIL

Agency Affected : Public Safety  
 BRU : Motor Vehicles  
 \_\_\_\_\_  
 Components : Driver Services  
 \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		5.4	7.5	7.9	8.3	8.7
TRAVEL						
CONTRACTUAL		.2	.2	.2	.2	.2
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT		2.3				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>8.0</b>	<b>7.8</b>	<b>8.2</b>	<b>8.6</b>	<b>9.0</b>

CAPITAL						
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REVENUE		1.0	9.5	18.0	34.0	34.0
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FUNDING : (Thousands of Dollars)

GENERAL FUND		8.0	7.8	8.2	8.6	9.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>8.0</b>	<b>7.8</b>	<b>8.2</b>	<b>8.6</b>	<b>9.0</b>

POSITIONS :

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

One part-time clerical position will be necessary to handle additional work-load, including preparing file, entry of license action on computer, preparing certified copies, notifying individual, maintaining proof of insurance file, preparation of records for microfilm, entry of data on microfilm retrieval system, etc. Cost breakdown attached.

Prepared by : Bill Brown Phone : 465-2650

Division : Motor Vehicles Date : 2-11-86

Approved by Commissioner : [Signature] Date : 2/11/86

Agency : Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS HB 472 (Trans.)

## DETAIL

100	Personal Services		
	One Document Processing Clerk II		
	Part-Time, 2 hours per day	5.4	5.4
300	Contractual		
	Postage and tolls	.2	.2
400	Commodities		
	Normal office supplies	.1	.1
500	Equipment		
	1 typewriter	1.2	
	1 desk	.6	
	1 chair	.2	
	1 file cabinet	.3	
			2.3
	TOTAL		8.0

## INFORMATION

It has been learned that of the total number of youth ages 13 to 17 who are arrested for offenses outlined in AS 28.15.185(a)(1) and (2), an estimated 300 to 400 will be convicted or adjudicated by a juvenile court. Therefore, a full time position will not be required to process the additional workload, and the fiscal note has been revised downward for a part-time position only.

With the effective date being September 1, 1986, documents will not start being received from the Court until around October 1, 1986. Therefore, personal services for FY87 reflect a nine month period with the employee being hired October 1, 1986. Other items are budgeted accordingly with the first full year being FY88.

FY88 and subsequent years reflect a 5% inflation factor.

## REVENUE

Statutes require payment of a \$100.00 reinstatement fee prior to issuance of a driver's license following a suspension or revocation. The revenue indicated is based on an estimation of the number of minor's whose driving privileges were taken away under this legislation who would not have otherwise lost those privileges, and who will apply for a license and pay the \$100.00 fee. If the offense is for AS 28.15.185(a)(2), and the person does not apply for a license prior to the sealing of the record at age 18, the \$100 fee will not be collected.

Position Title		Document Processing Clerk II	
Time Status	Staff Months	RP Number	
PPT	12		
No. of Positions		Range/Step	Barg. Unit
1		8b	CGU
Location		Election District	
Juneau		4	
Gov. Approv.		Disapp.	
Le8			
Justification			
<p>This legislation will require action against the driving privileges of an estimated 300 to 400 individuals who are convicted of, or adjudicated for offenses which do not currently require action. This position will prepare files, establishing beginning and ending dates of the action; enter the license action on the individual's driving record; change the status on the individual's record; send a notice to the individual concerning the action and requirements for reinstatement; prepare certified copies for prosecutors when individual is arrested for driving while revoked; maintain proof of insurance file after reinstatement; change status on driving record when license action is over; prepare record for microfilm; enter data on microfilm retrieval system; and assist in correspondence concerning the license action.</p> <p>This form prepared reflecting nine months cost. Position to begin October 1, 1986.</p>			
Type of Expenditure	Amount		
1	3		
Salary	4.3		
Benefits	1.1		
Premium Pay			
Other			
Total Personal Services	5.4		
Travel			
Contractual	.2		
Commodities	.1		
Equipment	2.3		
Other			
Total Cost	8.0		
Receipt Code	Funding Source		
	Federal Receipts	1002	
	G. F. Match	1003	
	General Funds	1004	8.0
	I-A Receipts	1005	
	Program Receipts	1028	
	CIP Receipts	1061	
	Other		
For B&M Use Only Key Number			

FY 87

Page 3 of 3  
Revised Date

Agency Public Safety  
BRU Motor Vehicles  
Component Driver Services

Request For  
New Position

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : House Bill 472  
 Title : An Act relating to suspension and revocation of a minor's license to drive  
 Sponsor : Jaylor  
 Requestor : N/A  
 Date of Request : N/A

**FISCAL DETAIL**

Agency Affected : Health & Social Services  
 BRU : Alcoholism & Drug Abuse  
 Components : Alcohol Abuse Grant

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	F '89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

**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

Prepared by : Matthew C. Felix *Matthew C. Felix*  
 Division : Alcoholism/Drug Abuse

Phone : 586-6201  
 Date : 1/20/86 *JCC 1/21/86*

Approved by Commissioner : Jan R. O'Neil  
 Agency : Health and Social Services

Date : 1/22/86

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 472

Neutral

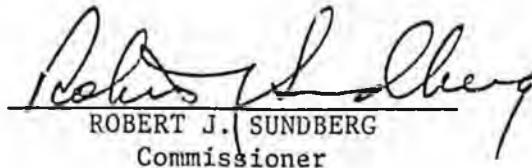
January 20, 1986

HB 472. An Act relating to suspension and revocation of a minor's license to drive and the definition of driver's license.

It appears the bill was drafted by using Oregon law as a model, and not taking into account the difference in how the Courts and DMV operate in the two states. In Alaska the Court is generally empowered with the authority to revoke a driver's license at the time of sentencing for a criminal offense (ie: DWI, Hit & Run, etc.). It is recommended Section 1 of the bill be deleted, and the data be incorporated in Section 2. The bill would then specify the court imposes the revocation, whether it be 90 days, one year, or until a specific age. This would be more in line with current Alaska law, and would eliminate the need for DMV to offer an administrative hearing before the administrative suspension is imposed.

Lines 10 and 11 of Section 5 indicate information concerning the license action could not be disclosed. This would prevent enforcement of the action, thus making it meaningless. In order to allow DMV to enter the license action on the defendant's record line 23 of Section 5 should be amended to reflect ".... except for traffic offenses or license action taken under AS 28.15.163 or AS 28.15.185.".

As a point of information, current law (AS 28.20.240) will require the individual to file and maintain proof of financial responsibility for the future (SR-22 insurance) for three years. If the SR-22 is not filed the license action will continue for that additional three year period.

  
ROBERT J. SUNDBERG  
Commissioner

*Need something  
in seating records  
or clear  
record of  
previous  
offenses*

*P.3  
L.23*

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No.: HB 472  
 Title: An Act relating to suspension and revocation of a minor's license to drive....  
 Sponsor: Taylor  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Public Safety  
 BRU: Motor Vehicles  
 Components: Driver Services

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		21.2	29.6	31.1	32.7	34.3
TRAVEL						
CONTRACTUAL		6.8	8.4	8.8	9.2	9.7
SUPPLIES		.5	.6	.6	.7	.7
EQUIPMENT		8.2				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>36.7</b>	<b>38.6</b>	<b>40.5</b>	<b>42.6</b>	<b>44.7</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>		10.0	70.0	150.0	170.0	180.0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		36.7	38.6	40.5	42.6	44.7
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

One clerical position will be necessary to handle additional work load, including preparing file, entry of license action on computer, preparing certified copies, notifying individual, maintaining proof of insurance file, preparation of records for microfilm, entry of data on microfilm retrieval system, etc. Cost breakdown attached.

Prepared by: Bill Brown Phone: 465-2650  
 Division: Motor Vehicles Date: 1-16-86

Approved by Commissioner: [Signature] Date: 1-16-86  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. HB 472

DETAIL

100	Personal Services		
	One Document Processing Clerk II	21.2	21.2
300	Contractual		
	310 Postage	2.9	
	382a DP line charges - 1 CRT	1.7	
	DP data circuit - 1 CRT	1.3	
	Maintenance - 1 CRT	.5	
	Maintenance - 1 printer	.4	
		6.8	6.8
400	Commodities		
	Normal office supplies	.5	.5
500	Equipment		
	1 CRT terminal	3.0	
	1 CRT feature board	.8	
	1 printer	1.8	
	1 typewriter	1.2	
	1 desk	.6	
	1 chair	.2	
	1 file cabinet	.3	
	1 CRT table	.3	
		8.2	
			TOTAL 36.7

INFORMATION

With the effective date being September 1, 1986, documents will not start being received from the Court until around October 1, 1986. Therefore, personal services for FY87 reflect a nine month period with the employee being hired October 1, 1986. Other items are budgeted accordingly with the first full year being FY88.

FY88 and subsequent years reflect a 5% inflation factor.

REVENUE:

Statutes require payment of a \$100.00 reinstatement fee prior to issuance of a driver's license following a suspension or revocation. The revenue indicated is based on an estimation of the number of minor's whose driving privileges were taken away under this legislation who would not have otherwise lost those privileges, and who will apply for a license and pay the \$100.00 fee.

Position Title	Document Processing Clerk II	RP Number	
Time Status	12	Staff Months	
No. of Positions		Range/Step	Gov.
Location		Electron District	Leg.
Juneau		4	

Justification

This legislation will require action against the driving privileges of approximately 1,800 individuals who are convicted of, or adjudicated for offenses which do not currently require action. This position will prepare files, establishing beginning and ending dates of the action; enter the license action on the individual's driving record; change the status on the individual's record; send a notice to the individual concerning the action and requirements for reinstatement; prepare certified copies for prosecutors when individual is arrested for driving while suspended or revoked; maintain proof of insurance file after reinstatement; change status on driving record when license action is over; prepare record for microfilm; enter data on microfilm retrieval system; and assist in correspondence concerning the license action.

This form prepared reflecting nine months cost. Position to begin October 1, 1986.

Type of Expenditure	Amount
1	3
Salary	
Benefits	
Premium Pay	
Other	21.2
Total Personal Services	
Travel	
Contractual	6.8
Commodities	.5
Equipment	8.2
Other	
Total Cost	36.7

Receipt Code	Funding Source
	Federal Receipts 1002
	G. E. Match 1003
	General Funds 1004
	I-A Receipts 1005
	Program Receipts 1028
	CIP Receipts 1061
	Other

For B&M Use Only  
Key Number

# Request For New Position

Agency Public Safety  
BRU  
Component Motor Vehicles  
Driver Services

POSITION PAPER

HOUSE BILL 472

"An Act relating to suspension and revocation of a minor's license to drive and the definition of driver license; and providing for an effective date."

Discussion

House Bill 472 will attempt to reduce drinking and drug use by minors, persons under age eighteen, by placing time restrictions on the minor's privilege to obtain or retain a driver's license, if the minor is convicted of misconduct involving a controlled substance or possession or consumption of alcohol. The suspension period for a first offense is one year or until a person reaches the age of 17, whichever is longer, and the suspension period for a second offense is one year or until a person reaches the age of 18, whichever is longer.

This bill is patterned after an Oregon law that was enacted in July, 1983. In 1985, 1510 Oregon youths were denied driving privileges under the provision of this law. Of this number, 94% or 1414 denials were for the offense of possession of alcohol or drugs; 46 denials were for open container violations, 14 for driving under the influence, and 36 were for miscellaneous offenses. Of the 1510 convictions, 1352 were first offenses. 1985 was the second year of experience with this law. It has been reported in the Oregon press that judges in metropolitan areas have been ignoring this law because of heavy case loads or a belief that the penalty is too harsh for the offense.

Drinking and drug use among youth is a serious problem in Alaska. In the six year period of 1979-1984, 42 youths 0-18 years of age have died as a result of alcohol related motor vehicle accidents. According to the 1983 Crime in Alaska report, 1146 minors were arrested for liquor law violations; 336 for drug offenses; 234 for vandalism; and 97 for driving under the influence. Drinking and drug use account for a high number of school suspensions and family discord. (STUDIES TO BACK-UP NUMBERS)

Position

The Department of Health and Social Services is supportive of the approach taken in HB 472 towards the prevention of drinking and drug use by Alaska youth. The privilege to obtain or retain a driver's license is held in high regard by this age group and it is hoped that this strategy will be an effective deterrent to indiscriminate use of chemicals. The Department recognizes that the majority of youth drinking and drug use is experimental in nature, nevertheless the strong influence of "peer pressure" upon this age group often results in unplanned use during social interaction. This legislation may serve as a constant reminder that the privilege of driving must be earned through responsible behavior. There are statistical indications that a number of Alaska youth have serious problems with chemicals. In 1985, 382 youth 17 years of age and younger had diagnosed problems severe enough to warrant treatment for alcoholism and drug abuse in State funded programs. The Department would like the committee to consider one

Include in bill →  
Have facilities  
not staffed  
would need  
4 to staff.  
Not state  
but grant.

possible addition to the bill, a provision that convicted youth be required to undergo a screening process to determine the need for education or treatment. A process similar to the present Alcohol Safety Action Program (ASAP) and state treatment system could be used for this purpose. This process would impact the high risk youth with a more intensive response while providing relevant education to an offender.

The Department will be pleased to provide additional information on drinking and drug use among youth upon request.

Recommended by: Matthew C. Felix  
Matthew C. Felix  
Coordinator  
Office of Alcoholism/  
Drug Abuse

Date: 1/20/86

Approved by: John R. Pugh  
John R. Pugh  
Commissioner  
Department of Health  
& Social Services

Date: 1/22/86

Introduced: 1/14/86  
Referred: Transportation,  
Judiciary and Finance

1 IN THE HOUSE

BY TAYLOR BY REQUEST

2

HOUSE BILL NO. 472

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to suspension and revocation of a  
minor's license to drive and the definition of driver's  
license; and providing for an effective date."

7

8

9

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

10

\* Section 1. AS 28.15 is amended by adding a new section to read:

11

Sec. 28.15.163. ADMINISTRATIVE SUSPENSION OF A MINOR'S LICENSE.

12

(a) In addition to any other authority in this chapter to cancel,  
suspend or revoke a driver's license, the department shall suspend a  
minor's license to drive upon receipt of a record of conviction or  
adjudication of a violation of an offense listed in AS 28.15.185(a).

13

14

15

The department shall impose the suspension as follows:

16

17

(1) for a first conviction or adjudication, the suspension  
shall be for one year or until the person reaches 17 years of age,  
whichever is longer.

18

19

20

(2) for a second or subsequent conviction or adjudication,  
the suspension shall be for one year or until the person reaches 18  
years of age, whichever is longer.

21

22

23

(b) If the department receives notice from a court that it has  
restored a minor's license to drive under AS 28.15.185(b), the  
department shall immediately reinstate a driver's license that has  
been suspended under this section.

24

25

26

27

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

28

Sec. 28.15.185. COURT REVOCATION OF A MINOR'S LICENSE TO DRIVE.

29

(a) A person who is at least 13 years of age, but not older than 17

SEC. 1 -  
ESTABLISHES  
ADMINISTRATIVE  
SUSPENSION  
FOR A  
MINOR'S  
LICENSE TO  
DRIVE, ON  
CONVICTION OR  
ADJUDICATION  
OF OFFENSES  
IN SEC. 2.

1 years of age who is convicted, or adjudicated by a juvenile court, of  
2 having committed one of the following offenses shall have the person's  
3 driver's license revoked:

4 (1) misconduct involving a controlled substance (AS 11.71);

5 (2) possession or consumption of alcohol (AS 04.16.050).

6 (b) Upon conviction or adjudication of an offense listed in (a)  
7 of this section the court may, upon petition of the person, review the  
8 revocation and may restore the driver's license, except a court may  
9 not restore the driver's license for a period of

10 (1) 90 days for the first conviction or adjudication;

11 (2) one year for second or subsequent convictions or  
12 adjudications.

13 \* Sec. 3. AS 28.40.100(5) is amended to read:

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

19 \* Sec. 4. AS 47.10.080(g) is amended to read:

20 (g) Except for purposes of driver's licensing under AS 28.15.-  
21 163, an [NO] adjudication under this chapter upon the status of a  
22 child may not operate to impose any of the civil disabilities ordi-  
23 narily imposed by conviction upon a criminal charge, nor may a minor  
24 afterward be considered a criminal by the adjudication, nor may the  
25 adjudication be afterward deemed a conviction, nor may a minor be  
26 charged with or convicted of a crime in a court, except as provided in  
27 this chapter. The commitment and placement of a child and evidence  
28 given in the court are not admissible as evidence against the minor in  
29 a subsequent case or proceedings in any other court, nor does the

1 commitment and placement or evidence operate to disqualify a minor in  
2 a future civil service examination or appointment in the state.

3 \* Sec. 5. AS 47.10.090(a) is amended to read:

4 (a) The court shall make and keep records of all cases brought  
5 before it. The court's official records may be inspected only with  
6 the court's permission and only by persons having a legitimate inter-  
7 est in them. All information and social records pertaining to a minor  
8 and prepared by an employee of the court or by a federal, state or  
9 city agency in the discharge of the employee's or agency's official  
10 duty, are privileged and may not be disclosed directly or indirectly  
11 to anyone without the court's permission <sup>except for traffic offenses...</sup> However, a state or city  
12 law-enforcement agency shall disclose information regarding a case  
13 which is needed by the person or agency charged with making a prelimi-  
14 nary investigation for the information of the court. The court shall  
15 forward a record of adjudication of a violation of an offense listed  
16 in AS 28.15.185(a) to the Department of Public Safety. Within 30 days  
17 of the date of a minor's 18th birthday or, if the court retains  
18 jurisdiction of a minor past the minor's 18th birthday, within 30 days  
19 of the date on which the court relinquishes jurisdiction over the  
20 minor, the court shall order sealed all the court's official records,  
21 information and social records pertaining to that minor, as well as  
22 records of all criminal proceedings against the minor and punishments  
23 assessed against the minor except for traffic offenses <sup>or</sup> A person may  
24 not use these sealed records for any purpose except that the court may  
25 order their use for good cause shown or may order their use by an  
26 officer of the court in making a presentencing report for the court.

27 \* Sec. 6. This Act takes effect September 1, 1986.

# Alaska State Legislature

## House of Representatives

### Committee on Transportation



Rep. Bette Cato, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4858

DATE: 10 FEBRUARY 1986  
TO: COMMITTEE MEMBERS  
FROM: STAFF  
RE: CSHB 472 DATED 2/6/86

The following changes have been made to CSHB 472:

Page 4, lines 22 and 23 - add (a)(1), (a)(3), or (a)(4).

AS 28.15.185(a) (1) misconduct involving a controlled substance  
(3) driving a motor vehicle while intoxicated  
(4) refusal to submit to a chemical test

Thus, the court will seal all official records, information and social records pertaining to possession or consumption of alcohol, which was the committee's main concern. Misconduct involving a controlled substance, driving a motor vehicle while intoxicated and refusal to submit to a chemical test becomes permanent record.

For your information attached is a history of CSHB 472 (TRSP) to date.

House Bill 472 "An Act relating to suspension and revocation of a minor's license to drive and the definition of driver's license; and providing for an effective date."

A minor between the ages of 13 and 17 who is convicted or adjudicated by a juvenile court of misconduct involving a controlled substance or possession or consumption of alcohol would automatically have their driver's license revoked. The Department of Public Safety would be required to suspend the minor's license for one year or until the minor turns 17 whichever is longer for the first offense. For the second or subsequent conviction or adjudication, the suspension would be for a year or until the minor turns 18, whichever is longer.

A court could review the revocation and could restore the driver's license, but not for 90 days after the first conviction or adjudication or one year for the second or subsequent convictions or adjudications.

The Department of Public Safety suggested two changes to HB 472 which were accepted by the committee as amendments to the bill. The first CSHB 472 draft deleted a section contained in original version relating to administrative suspension of a minor's driver's license. That section would have allowed the Department of Public Safety to cancel, suspend or revoke a minor's driver's license upon receipt of a record of conviction or adjudication or a drinking or drug violation.

Under the new version, the court could revoke a minor's license if the minor were convicted or adjudicated in juvenile court of driving while intoxicated, or for refusal to submit to a chemical test. The court would be required to revoke the license for one year or until the person reached 17, whichever was longer, and for a second conviction or adjudication the revocation would be for one year or until the person reached 18, whichever is longer. Information on a minor's driver's license action could be disclose in the same manner as traffic offenses.

It was the disclosure of information on a minor's driver's license regarding possession or consumption of alcohol which was of grave concern to the committee.

A new CSHB 475 (TRSP) dated February 6, 1986 addresses and hopefully answers those concerns. This draft adds language which means that the court will seal all official records, information and social records pertaining to possession or consumption of alcohol but, misconduct involving a controlled substance, driving a motor vehicle while intoxicated and refusal to submit to a chemical test becomes permanent record.

The following testimony which was taken and the committee's action in relationship to that testimony:

Matt Felix, Office of Alcoholism and Drug Abuse, Department of Health and Social Services said that the department is very supportive of the bill but at the same wanted to let members know that the bill will probably not impact all of those youth cited for various liquor and drug violations because of the system. He went on to explain how the system works.

Mr. Felix suggested an addition to the bill which was a provision that convicted youth be required to undergo a screening process to determine the need for education and treatment, a process similar to the one they have with adults and the Alcohol Safety Action program. Should the committee have adopted this idea as an amendment, a new fiscal note from the department would have gone from zero to \$108,000.

Rep. Taylor pointed out to the committee that this suggestion was discussed in the Senate (companion bill CSSB 323) and as yet the department does not know what the impact is going to be with this legislation. He preferred to see this legislation tried for a year and then if the department does find that it is impacted, to justify that impact with actual numbers.

Bill Brown, Department of Public Safety, addressed the section dealing with an administrative hearing. At the present time, if somebody goes to court of a specific offense for a driving offense, that court is the one that evokes the driving privileges, whether it be a hit and run, reckless driving, drunk driving, etc. As far as section 1, the administrative suspension, if it was done by Public Safety, then the department as a result of other law, would have to offer and administrative hearing to that individual. Where they've already had their hearing in court, the department would then have to offer another hearing in order to withdraw their driving privileges. The Department recommend deleting section 1 and incorporate in with section 2 so that when a person has been adjudicated in court at the time of that adjudication, the court would pass down as part of their sentence the revocation of driving privileges. The department's recommendation is that there be no administrative hearing, that it all be handled as a court revocation at the time for conviction.

Brown said that "we feel that at that time as part of the sentence being passed down by the court, the license action can be part of that sentence, then we would no longer have to offer an administrative hearing to impose the license action."

The sponsor pointed out that the court system is presently handling these same cases, this just enhances the penalty; provisions.

Lines 10 and 11 of section 5 indicate information concerning the license action could not be disclosed. This would prevent enforcement of the action, thus making it meaningless. In order to allow DMV to enter the license action on the defendant's record, line 23 of section 5 should be amended to reflect "...except for traffic offenses or license action taken under S 28. 15.163 or AS 28.15.185. With present law, information on a minor or youth's non-traffic offense is confidential and this would have to be changes so that a license is evoked, that "information can be disseminate to law enforcement personnel"

These recommendation was adopted and the committee adopted CSSB 323 (State Affairs) as their work draft for the next meeting.

At the next meeting, the committee discussed their concern regarding the fact that the offenses committed listed in this bill would be on a juveniles record permanently just as any traffic offense in on record per nently.

After much discussion regarding the sealing of records, legal services was able to provide a new committee substitute which leaves the records pertaining to possession or consumption of alcohol sealed, but the offenses pertaining to misconduct involving a controlled substance, driving a motor vehicle while intoxicated or a refusal to submit to a chemical test becomes permanent record.

To date, the committee needs to adopt the new committee substitute before continuing on with further action.

# Alaska State Legislature

## House of Representatives

### Committee on Transportation



Rep. Bette Cato, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4858

DATE: 10 FEBRUARY 1986  
TO: COMMITTEE MEMBERS  
FROM: STAFF  
RE: CSHB 472 DATED 2/6/86

The following changes have been made to CSHB 472:

Page 4, lines 22 and 23 - add (a)(1), (a)(3), or (a)(4).

AS 28.15.185(a) (1) misconduct involving a controlled substance  
(3) driving a motor vehicle while intoxicated  
(4) refusal to submit to a chemical test

*TRATTIC*

Thus, the court will seal all official records, information and social records pertaining to that minor except for those listed above. If a juvenile has been committed of AS 28.15.185(a)(2) possession or consumption of alcohol, then that is treated as a driving offense and is on their record permanently as if an adult.

For your information attached is a history of CSHB 472 (TRSP) to date.

pos or cons is sealed

stays as is now  
pulled up to drinking - 18 or adj ends  
sets records

1-3-4 - becomes perm. record - follows  
into adulthood

*Changing exception*

*Court already  
seals record  
leaves is*

Ford ✓  
2/4/86

Original sponsor: Taylor By Request

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 472 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to suspension and revocation of a  
7 minor's license to drive and the definition of driv-  
8 er's license; and providing for an effective date."

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

10 \* Section 1. AS 28.15.181(c) is amended to read:

11 (c) Except for court revocation of a minor's license to drive  
12 under AS 28.15.185, a [A] court convicting a person of an offense  
13 described in (a)(5) or (8) of this section arising out of the opera-  
14 tion of a motor vehicle for which a driver's license is required shall  
15 revoke that person's driver's license as provided in this subsection.  
16 The revocation may be concurrent with or consecutive to an administra-  
17 tive revocation under AS 28.15.165. The court may not, except as  
18 provided in (e) of this section, grant limited license privileges for  
19 the following periods:

20 (1) not less than 90 days if, within the preceding 10  
21 years, the person has not previously been convicted of an offense

22 (A) described in (a)(5) or (8) of this section; or

23 (B) under a law or ordinance in another jurisdiction  
24 with elements substantially similar to an offense described in  
25 (a)(5) or (8) of this section;

26 (2) not less than one year if, within the preceding 10  
27 years, the person has been previously convicted of one offense

28 (A) described in (a)(5) or (8) of this section; or

29 (B) under a law or ordinance in another jurisdiction

1 with elements substantially similar to an offense described in  
2 (a)(5) or (8) of this section;

3 (3) not less than 10 years if, within the preceding 10  
4 years, the person has been previously convicted of more than one of  
5 the following offenses or has more than once been previously convicted  
6 of one of the following offenses:

7 (A) an offense described in (a)(5) or (8) of this  
8 section; or

9 (B) an offense under another law or ordinance in  
10 another jurisdiction with elements substantially similar to an  
11 offense described in (a)(5) or (8) of this section.

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

13 Sec. 28.15.185. COURT REVOCATION OF A MINOR'S LICENSE TO DRIVE.

14 (a) A person who is at least 13 years of age, but not older than 17  
15 years of age who is convicted, or adjudicated by a juvenile court, of  
16 having committed one of the following offenses shall have the person's  
17 driver's license revoked:

18 (1) misconduct involving a controlled substance (AS 11.71);

19 (2) possession or consumption of alcohol (AS 04.16.050);

20 (3) driving a motor vehicle while intoxicated (AS 28.35.-  
21 030);

22 (4) refusal to submit to a chemical test (AS 28.35.032).

23 (b) The court shall impose the revocation as follows:

24 (1) for a first conviction or adjudication, the revocation  
25 shall be for one year or until the person reaches 17 years of age,  
26 whichever is longer;

27 (2) for a second or subsequent conviction or adjudication,  
28 the revocation shall be for one year or until the person reaches 18  
29 years of age, whichever is longer.

1 (c) Upon conviction or adjudication of an offense listed in (a)  
2 of this section the court may, upon petition of the person, review the  
3 revocation and may restore the driver's license, except a court may  
4 not restore the driver's license for a period of

5 (1) 90 days for the first conviction or adjudication;

6 (2) one year for second or subsequent convictions or adju-  
7 dications.

8 \* Sec. 3. AS 28.40.100(a)(5) is amended to read:

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

14 \* Sec. 4. AS 47.10.080(g) is amended to read:

15 (g) Except for purposes of driver's licensing under AS 28.15.-  
16 163, an [NO] adjudication under this chapter upon the status of a  
17 child may not operate to impose any of the civil disabilities ordi-  
18 narily imposed by conviction upon a criminal charge, nor may a minor  
19 afterward be considered a criminal by the adjudication, nor may the  
20 adjudication be afterward deemed a conviction, nor may a minor be  
21 charged with or convicted of a crime in a court, except as provided in  
22 this chapter. The commitment and placement of a child and evidence  
23 given in the court are not admissible as evidence against the minor in  
24 a subsequent case or proceedings in any other court, nor does the  
25 commitment and placement or evidence operate to disqualify a minor in  
26 a future civil service examination or appointment in the state.

27 \* Sec. 5. AS 47.10.090(a) is amended to read:

28 (a) The court shall make and keep records of all cases brought  
29 before it. The court's official records may be inspected only with

1 the court's permission and only by persons having a legitimate inter-  
 2 est in them. All information and social records pertaining to a minor  
 3 and prepared by an employee of the court or by a federal, state or  
 4 city agency in the discharge of the employee's or agency's official  
 5 duty, are privileged and may not be disclosed directly or indirectly  
 6 to anyone without the court's permission, except for traffic offenses  
 7 and driver's license action taken under AS 28.15.185. Traffic  
 8 offenses and driver's license action may not be disclosed without the  
 9 court's permission, except as specified in AS 28.15.151. However, a  
 10 state or city law-enforcement agency shall disclose information  
 11 regarding a case which is needed by the person or agency charged with  
 12 making a preliminary investigation for the information of the court.  
 13 The court shall forward a record of adjudication of a violation of an  
 14 offense listed in AS 28.15.185(a) to the Department of Public Safety.  
 15 Within 30 days of the date of a minor's 18th birthday or, if the court  
 16 retains jurisdiction of a minor past the minor's 18th birthday, within  
 17 30 days of the date on which the court relinquishes jurisdiction over  
 18 the minor, the court shall order sealed all the court's official  
 19 records, information and social records pertaining to that minor, as  
 20 well as records of all criminal proceedings against the minor and  
 21 punishments assessed against the minor except for traffic offenses and  
 22 driver's license action taken under AS 28.15.185. A person may not  
 23 use these sealed records for any purpose except that the court may  
 24 order their use for good cause shown or may order their use by an  
 25 officer of the court in making a presentencing report for the court.

26 \* Sec. 6. This Act takes effect September 1, 1986.

*FORD  
 WOULD  
 NOT  
 BE  
 EXCEPTED*

*may  
 take care  
 of sealing  
 records*

STATE OF ALASKA  
THE LEGISLATURE

POUCHY - STATE CAPITOL  
JUNEAU ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 28, 1986

SUBJECT: Sectional Analyses  
HB 453, HB 472, and HB 473

TO: Representative Robin Taylor

FROM: Michael F. Ford *M.F.*  
Legislative Counsel

The following are sectional analyses of the above referenced house bills, requested by your staff:

HB 453

Section 1 - Requires the Legislative Budget and Audit Committee to present a summary of reports received under section 2 of this bill, to the legislature.

Section 2 - Requires a grantee who accepts funds for construction or repair of a public facility to comply with certain competitive bidding requirements listed in AS 37.05.230(1), before expending grant funds. If a bid is accepted and a contract awarded, the grantee is required to notify Legislative Budget and Audit of any change orders or modifications to the contract.

HB 472

Section 1 - Establishes administrative suspension for a minor's license to drive, on conviction or adjudication of certain offenses listed in section 2.

Section 2 - Provides for court revocation of a minor's license to drive if convicted or adjudicated of certain offenses. Also provides for specific periods of revocation, and for restoration of the license upon petition to the court.

Representative Robin Taylor  
Page 2  
January 28, 1986

Section 3 - Amends the definition of "driver's license" to include the privilege to obtain a license. A person without a license could lose the privilege to obtain their license.

Section 4 - Amends the statute regarding adjudication of a minor, to clearly provide that for purposes of driver's licensing, a minor is treated as an adult in sentencing.

Section 5 - Requires the court to forward a record of adjudication of a violation of an offense listed in section 2, to the Department of Public Safety. This record would trigger the administrative suspension process.

HB 473

Section 1 - Narrows the exception concerning providing alcoholic beverages to a person under age 21, by requiring that the person under 21 receive the alcohol in a private residence, and that they do not leave the residence while under the influence of alcohol.

Please contact me if you have any questions.

MFF:mkr  
M2:093

# Wrangell Council on Alcoholism and Related Drug Dependencies

P.O. Box 1108-Wrangell, Alaska 99929  
(907) 874-3338

August 27, 1985

Representative Robin Taylor  
Alaska State Legislature  
Pouch #  
Juneau, Alaska 99811

Dear Representative Taylor:

I have written you before concerning a law adopted in Oregon to deal with young people arrested on the charge of MINOR IN POSSESSION BY CONSUMPTION, the famous "MIPC". The feedback I received from some folks who talked to other legislators about this bill was that it is "too harsh". To say the least, Robin, I was "flabber-gasted" to think that these people who are elected to represent our State and to represent us are so naive about alcohol and drug abuse and especially in our young people. I wonder if these same people think that the Army is too harsh because they won't take a kid who has two MIPCs on his record. And I wonder if these same people think it's too harsh when some kid finally ends up overdosing because it wasn't stopped before it got started.

I know this law isn't going to save all of the kids, but I bet it will cut it to half in the first two years. These kids are laughing at the law. They're laughing at the adults and for sure, some of us have set beautiful examples for our young ones to follow. Parents are still hiding their heads. Some just don't care because they are so deep in their own hell-hole, they can't be bothered by anyone else's problems. Other parents think we're just picking on their kids. But remember how folks made fun of the Drinking/Driving Law when it first went into effect? It wasn't long until they learned to respect this law. The same thing will happen to our teenagers. Kids who still haven't made the decision to drink ...won't and alot of the kids who are drinking just to be part of the crowd will no longer take the risk if there is a law with teeth in it that they have to answer to.

We have got to do something for our kids before they're destroyed by the dreaded disease of alcoholism and the disastrous results of other drug abuse. Wrangell is terribly small, Robin, but from January to date, I've had 42 kids sent to me on MIPC and some up to three times and they are laughing. 12-19 years olds and most of them under the age of 16. I can't save these kids by myself....as much as I care. As my representative, I'm begging you for help, Robin. We've got to do something. The problem isn't going to go away and it isn't just kid stuff anymore.

Sincerely yours,



Charter Member • National Council on Alcoholism • Alaska Region



Murray Warner

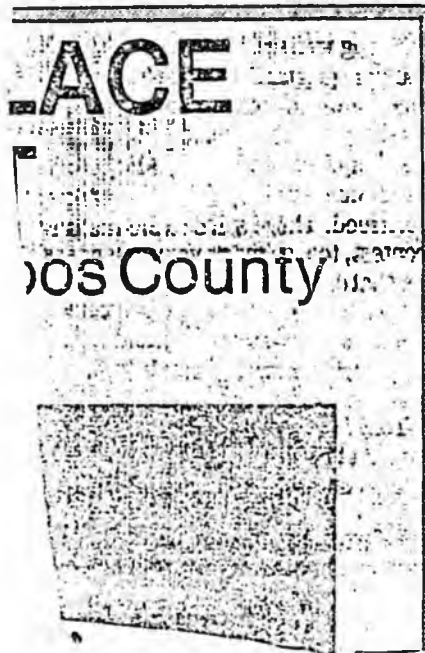
# 600 denied privileges

More than 600 Oregon youths between the ages of 13 and 17 were denied driving privileges during the first six months in 1985, according to Motor Vehicles Division.

Denials are based on court convictions involving alcohol or drug

possession, use or abuse. Courts then order DMV to deny licenses.

Most of the 627 denials ordered during the first six months of this year were for alcohol offenses. Minors in possession of alcohol or drugs accounted for 577, or 92 percent of the total. Twenty-seven denials were for having an open container or drinking alcohol in a motor vehicle, and eight were for driving under the influence.



Fifteen denials were ordered for miscellaneous alcohol and drug offenses, such as theft, delivery or manufacturing of a controlled substance.

Males accounted for 74 percent of the 627 total.

Denials of driving privileges for first offenders is one year or until the person becomes 17, whichever is longer. Repeat offenders are suspended for a year or until the person becomes 18, whichever is longer.

DMV statistics show 62 second denials and four third denials (all males) during the first six months of 1985.

12177

Enrolled

# House Bill 2975

Sponsored by Representatives LOMBARD, AGRONS, ANDERSON, BELLAMY, BROGOITTI, CALOURI, DeBOER, FARMER, FORD, HARPER, MARKHAM, MILLER, PARKINSON, VAN VLIET, VanLEEUVEN, YOUNG, ZAJONC, Senator THORNE, Representatives BURROWS, JOHNSON, D. JONES, Senators HANNON, HEARD (at the request of Wes Smith, Principal, Ashland Jr. High School)

CHAPTER.....

## AN ACT

Relating to driving privileges; creating new provisions; and amending ORS 482.470.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) Whenever a person who is 17 years of age or younger, but not younger than 13 years of age, is convicted of any offense described in this subsection or determined by a juvenile court to have committed one of the described offenses, the court in which the person is convicted shall prepare and send to the Motor Vehicles Division, within 24 hours of the conviction or determination, an order of denial of driving privileges for the person so convicted. This section applies to any crime, violation, infraction or other offense involving the possession, use or abuse of alcohol or controlled substances.

(2) If a court has issued an order of denial of driving privileges under this section, the court, upon petition of the person, may review the order and may withdraw the order at any time the court deems appropriate except as provided in the following:

(a) A court may not withdraw an order for a period of 90 days following the issuance of the order if it is the first such order issued with respect to the person.

(b) A court may not withdraw an order for a period of one year following the issuance of the order if it is the second or subsequent such order issued with respect to the person.

SECTION 2. Section 3 of this Act is added to and made a part of ORS chapter 482.

SECTION 3. (1) In addition to any other authority to suspend driving privileges under this chapter, the division shall suspend all driving privileges of any person upon receipt of an order of denial of driving privileges under section 1 of this 1983 Act. The suspension shall be imposed without hearing. The driving privileges of the person shall be suspended as provided in the following:

(a) Upon receipt of the first order denying driving privileges, the division shall impose a suspension for one year, or until the person so suspended reaches 17 years of age, whichever is longer.

(b) Upon receipt of a second or subsequent order denying driving privileges, the division shall suspend for one year or until the person reaches 18 years of age, whichever is longer.

(2) If the division receives notice from a court that it has withdrawn an order issued under section 1 of this 1983 Act, the division shall immediately reinstate any driving privileges that have been suspended under this section because of the issuance of the order.

SECTION 4. ORS 482.470 is amended to read:

482.470. (1) The division shall not suspend a license for a period of more than one year except:

- (a) As provided in ORS 482.430 (3) and (4) and section 3 of this 1983 Act;
- (b) As provided in ORS 482.440 in the case of offenses which, if committed by a driver under ORS 482.430, would result in mandatory suspension or revocation for more than one year;
- (c) When the suspension results from failure to obtain medical clearance when requested to do so under ORS 482.260 (1)(d)(B);
- (d) When the driver fails to complete reexamination as required under ORS 482.260 (4); or
- (e) When the driver fails to complete a requirement of ORS 482.850.

(2) When the operator's or chauffeur's license of any person has been suspended, the division shall not issue an operator's or chauffeur's license to the person prior to the expiration of the suspension period, except as otherwise provided in this chapter.

(3) When any license is suspended or revoked it shall be surrendered to and retained by the division. Upon the conviction of any operator or chauffeur for any offense which by this chapter is cause for mandatory suspension or revocation, the court in which the conviction was had shall issue an order of suspension or revocation, take up the operator's or chauffeur's license and immediately forward the license and a copy of the order to the division. When necessary to give full effect to this section, the court shall issue a temporary operator's permit, on a form provided by the division, to the convicted person which shall be valid until midnight of the day of the conviction. At the end of the period of suspension upon a license so surrendered, it shall be returned to the licensee upon request being made to the division by the licensee. However, the division may require the licensee to furnish evidence to the effect that the licensee is qualified to continue as an operator or chauffeur under this chapter, before returning the license.

SECTION 5. Section 6 of this Act is added to and made a part of ORS chapter 482.

SECTION 6. Notwithstanding any suspension of driving privileges under section 3 of this 1983 Act, the division may issue a special temporary permit described under ORS 482.160 (2) to a person whose driving privileges are suspended under section 3 of this 1983 Act if the person qualifies for the special temporary permit. For purposes of this section an emergency situation that leaves the applicant with no alternative means to travel to and from school is an emergency for purposes of ORS 482.160 (2) in addition to other emergency situations.

SECTION 7. If House Bill 2965 becomes law, section 6 of this Act is repealed and section 8 of this Act is enacted in lieu thereof.

SECTION 8. Notwithstanding any suspension of driving privileges under section 3 of this 1983 Act or ORS 165.805 or 471.430, the division may issue a special temporary permit described under ORS 482.160 (2) to a person whose driving privileges are suspended under section 3 of this 1983 Act or under ORS 165.805 or 471.430 if the person qualifies for the special temporary permit. For purposes of this section an emergency situation that leaves the applicant with no alternative means to travel to and from school is an emergency for purposes of ORS 482.160 (2) in addition to other emergency situations.

Passed by House June 16, 1983

Repassed by House July 15, 1983

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 Chief Clerk of House

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 Speaker of House

Passed by Senate July 11, 1983

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 President of Senate

Received by Governor:

..... M., ..... 1983

Approved:

..... M., ..... 1983

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 Governor

Filed in Office of Secretary of State:

..... M., ..... 1983

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Enrolled

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- (2) When the operator's or chauffeur's license of any person has been suspended, the division shall not issue an operator's or chauffeur's license to the person prior to the expiration of the suspension period, except as otherwise provided in this chapter.
- (3) When any license is suspended or revoked it shall be surrendered to and retained by the division. Upon the conviction of any operator or chauffeur for any offense which by this chapter is cause for mandatory suspension or revocation, the court in which the conviction was had shall issue an order of suspension or revocation, take up the operator's or chauffeur's license and immediately forward the license and a copy of the order to the division. When necessary to give full effect to this section, the court shall issue a temporary operator's permit, on a form provided by the division, to the convicted person which shall be valid until midnight of the day of the conviction. At the end of the period of suspension upon a license so surrendered, it shall be returned to the licensee upon request being made to the division by the licensee. However, the division may require the licensee to furnish evidence to the effect that the licensee is qualified to continue as an operator or chauffeur under this chapter, before returning the license.

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 Governor

Filed in Office of Secretary of State:

..... M., ..... 1983

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 Secretary of State

FEBRUARY 4, 1986

INSIDE YOUR FOLDERS ARE:

HB 472 "An Act relating to suspension and revocation of a minor's license to drive and the definition of driver's license; and providing for an effective date."

Dept. of Public Safety Position Paper and Fiscal Note

Dept. of Health and Social Services Position Paper and Fiscal Note

Letter from the Wrangell Council on Alcoholism and Related Drug Dependencies to Rep. Robin Taylor

Sectional Analysis on HB 472