

COMMITTEE REPORT
SENATE

FURTHER:

3/21/86

Date _____

Mr. President

The Committee on FINANCE considered SB 323

suspension and revocation of a minor's license to drive and the definition of driver's license; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

1/30/86

Date 3/20/86

Mr. President

The Committee on JUDICIARY considered SB 323
suspension and revocation of a minor's license to drive and the
definition of driver's license. efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/~~CS~~ CS for CSSB 323 (SA) (Jud)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" FISCAL NOTE
- reports it back without recommendation Zero
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

T. Kelly Alden

MEMBERS HAVING
OTHER RECOMMENDATIONS

Jan. Feb. no rec
DO NOT PASS - Ingle
Punishment is disproportionate
to the crime
Rick Halford no rec

Chairman Kelly

Chairman recommendation _____

COMMITTEE REPORT

SENATE

Judiciary

FURTHER:

Finance

1/13/86

Date _____

Mr. President

The Committee on State Affairs considered SB 323
suspension and revocation of a minor's license to drive and the
definition of driver's license; efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 323 (SA)
- new title
- same title and recommends I do pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING DO PASS

Edgar De Vries
V. Fischer
Bill Kay
Tim Kelly

MEMBERS HAVING OTHER RECOMMENDATIONS

[Signature]
Chairman
[Signature]
Chairman recommendation

Offered: 3/21/86
Referred: Finance

Original sponsor: Ray

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 323 (Judiciary)

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 47.10.090(a) is amended to read:

15 (a) The court shall make and keep records of all cases brought
16 before it. The court's official records may be inspected only with
17 the court's permission and only by persons having a legitimate inter-
18 est in them. All information and social records pertaining to a minor
19 and prepared by an employee of the court or by a federal, state or
20 city agency in the discharge of the employee's or agency's official
21 duty, are privileged and may not be disclosed directly or indirectly
22 to anyone without the court's permission, except for traffic offenses
23 and driver's license action taken under AS 28.15.185. Traffic of-
24 fenses and driver's license action may not be disclosed without the
25 court's permission, except as specified in AS 28.15.151. However, a
26 state or city law-enforcement agency shall disclose information re-
27 garding a case which is needed by the person or agency charged with
28 making a preliminary investigation for the information of the court.
29 The court shall forward a record of adjudication of a violation of an

1 offense listed in AS 28.15.185(a) to the Department of Public Safety.

2 Within 30 days of the date of a minor's 18th birthday or, if the court
3 retains jurisdiction of a minor past the minor's 18th birthday, within
4 30 days of the date on which the court relinquishes jurisdiction over
5 the minor, the court shall order sealed all the court's official
6 records, information and social records pertaining to that minor, as
7 well as records of all criminal proceedings against the minor and
8 punishments assessed against the minor except for traffic offenses and
9 driver's license action taken under AS 28.15.185. A person may not
10 use these sealed records for any purpose except that the court may
11 order their use for good cause shown or may order their use by an
12 officer of the court in making a presentencing report for the court.

13 * Sec. 5. This Act takes effect September 1, 1986.
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Offered: 1/30/86
Referred: Judiciary and
Finance

Original sponsor: Ray

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 323 (State Affairs)

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
14 operation of a motor vehicle for which a driver's license is required
15 shall revoke that person's driver's license as provided in this
16 subsection. The revocation may be concurrent with or consecutive to
17 an administrative revocation under AS 28.15.165. The court may not,
18 except as provided in (e) of this section, grant limited license
19 privileges for 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
S

COMMITTEE COPY

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 28.15.135(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.
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Introduced: 1/13/86
Referred: State Affairs
and Judiciary

1 IN THE SENATE

BY RAY

2 SENATE BILL NO. 323

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 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,
13 suspend or revoke a driver's license, the department shall suspend a
14 minor's license to drive upon receipt of a record of conviction or
15 adjudication of a violation of an offense listed in AS 28.15.185(a).
16 The department shall impose the suspension as follows:

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

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

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

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
S

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 adju-
12 dications.

13 * Sec. 3. AS 28.40.100(a)(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. 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 juris-
18 diction of a minor past the minor's 18th birthday, within 30 days of
19 the date on which the court relinquishes jurisdiction over the minor,
20 the court shall order sealed all the court's official records, infor-
21 mation and social records pertaining to that minor, as well as records
22 of all criminal proceedings against the minor and punishments assessed
23 against the minor except for traffic offenses. A person may not use
24 these sealed records for any purpose except that the court may order
25 their use for good cause shown or may order their use by an officer of
26 the court in making a presentencing report for the court.

27 * Sec. 6. This Act takes effect September 1, 1986.
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STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 323 (SA)
 Title : "An Act relating to suspension
 and revocation of a minor's license
 to drive..."
 Sponsor : Senator Ray
 Requestor : Senate Judiciary
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Alaska State Troopers

 Components : _____

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						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

K. Niles
 Prepared by : Kathy Niles, Admin. Assistant Phone : 465-4336
 Division : Commissioner's Office Date : 2/19/86

Approved by Commissioner : *[Signature]* Date : _____
 Agency : Public Safety

Distribution (by Agency preparing fiscal note):

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

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ALASKA STATE LEGISLATURE

14th Legislature 2nd Session

SENATE BILL NO. 323

By RAY

"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."

Introduced in the Senate ... 1/13/, 19.86

HISTORY IN THE SENATE

19 86	Read first time and referred to Committee on
1 13	State Affairs and Judiciary
1 27	Reported back with recommendation that <i>repealed State bill</i>
1 30	<i>W/S, 5 do pass to find.</i>
3 21	<i>Jud: 1 do pass, 1 do not pass & no rec, zero present of business</i>
	<i>W/S, 5 do pass to find</i>
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by President
	Sent to House
	SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Read first time and referred to Committee on
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by Speaker
	Returned to Senate
	CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

11/3

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 323 (SA)
 Title : "An Act relating to suspension
 and revocation of a minor's license
 to drive..."
 Sponsor : Senator Ray
 Requestor : Senate Judiciary
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Alaska State Troopers

 Components : _____

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						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Kathy Niles, Admin. Assistant
 Division : Commissioner's Office

Phone : 465-4336
 Date : 2/19/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : _____

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : Senate Bill 323
 Title : An Act relating to suspension and revocation of a minor's licence to drive
 Sponsor : Senator Ray
 Requestor : N/A
 Date of Request : N/A

FISCAL DETAIL

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

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						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

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

Phone : 586-6201

Date : 1/20/86

Approved by Commissioner : Jan R. Prof
 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)

JCE
1/21/86

POSITION PAPER

SENATE BILL 323

"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

Senate Bill 323 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 youth 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 youth 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.

Position

The Department of Health and Social Services is supportive of the approach taken in SB 323 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 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 interactives. This legislation may serve as a constant reminder that the privilege driving must be earned through responsible behavior. There are statistical indications that a number of Alaska youth have serious problems with chemicals. In 1985, 882 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

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
See Appendix
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

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : CS SB 323 (Judiciary)
 Title : An Act relating to suspension
and revocation of a minor's license
to drive...
 Sponsor : Ray
 Requestor : Senate Finance
 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		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						
TOTAL OPERATING		8.0	7.8	8.2	8.6	9.0

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE		1.0	10.0	20.0	40.0	40.0
----------------	--	-----	------	------	------	------

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		1	1	1	1	1
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

One part-time clerical position will be necessary to handle additional workload, 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 : 3-27-86

Approved by Commissioner : [Signature] Date : 3/28/86
 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 SB 323 (Judiciary)

DETAIL

100	Personal Services		
	One Document Processing Clerk II Part time - 2 hours per day	5.4	5.4
300	Contractual		
	310 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) & (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.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS SB 323(State Affairs)
 Title : An Act relating to suspension
 and revocation of a minor's license
 to drive.....
 Sponsor : Ray
 Requestor : Senate State Affairs
 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		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						
TOTAL OPERATING		8.0	7.8	8.2	8.6	9.0

CAPITAL						
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REVENUE		1.0	10.0	20.0	40.0	40.0
---------	--	-----	------	------	------	------

FUNDING : (Thousands of Dollars)

GENERAL FUND		8.0	7.8	8.2	8.6	9.0
FEDERAL FUNDS						
OTHER						
TOTAL						

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
 Division : Motor Vehicles

Phone : 465-2650
 Date : 2/03/86

Approved by Commissioner : [Signature]
 Agency : _____

Date : 2/13/86

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 SB 323(State Affairs)

DETAIL

100	Personal Services		
	One Document Processing Clerk II	5.4	5.4
	Part time 2 hours per day		
300	Contractual		
	310 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) & (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.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 323
 Title : An Act relating to suspension
 and revocation of a minor's
 license to drive....
 Sponsor : Ray
 Requestor : Senate State Affairs
 Date of Request : 1/16/86

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		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						
TOTAL OPERATING		36.7	38.6	40.5	42.6	44.7

CAPITAL						
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REVENUE		10.0	70.0	150.0	170.0	180.0
---------	--	------	------	-------	-------	-------

FUNDING : (Thousands of Dollars)

GENERAL FUND		36.7	38.6	40.5	42.6	44.7
FEDERAL FUNDS						
OTHER						
TOTAL						

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. SB 323

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	
			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.

CS SB 323 (Judiciary)

This bill is modeled after the State of Oregon law titled "Youth Substance Abuse and Driving Accident Prevention". A young person (between the ages of 13-17) is denied driving privileges for alcohol or controlled substance violations.

Section 1

Adds new language-after an adjudicative hearing (all minors do not go to court for violations) for specific violations, a minor's drivers license, permit, or privilege to obtain a license, will be suspended.

Section 2

Adds new language-the court can revoke a minor's drivers license, permit, or privilege to obtain a license for specific violations.

Section 3

Adds new language-to the definition of driver's license of license. (Fixes a loophole in the definition a license, because of the successful lawsuit of Roberts vs the State of Alaska, the state could not suspend the right to drive if there is no license to suspend).

Section 4

Adds new language-that the court can forward the names of juveniles who are adjudicated for certain violations to the Department of Public Safety. Traffic offenses and driver's license action may not be disclosed without the court's permission if taken under this section.

Section 5

Effective date clause

POSITION PAPER

SENATE BILL 323

"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

Senate Bill 323 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 youth 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 youth 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.

Position

The Department of Health and Social Services is supportive of the approach taken in SB 323 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 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 interactives. This legislation may serve as a constant reminder that the privilege driving must be earned through responsible behavior. There are statistical indications that a number of Alaska youth have serious problems with chemicals. In 1985, 882 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

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
Sec. M...
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

AKK - (700) 770A!



CITY/BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY

10002 Glacier Hwy., Rm. 201
Juneau, AK 99801 (907) 789-4889

September 11, 1985

Senator Bill Ray
Alaska State Capitol
Pouch Y
Juneau, AK 99811

Dear Senator Ray:

What can we do to help stop our youth from drinking and driving?

The state of Oregon has found the answer! In 1984 they adopted a law called "Youth Substance Abuse and Driving Accident Prevention". Since the law was adopted in September of 1984 the Division of Motor Vehicles of Oregon has denied driving privileges to more than 1,292 youths. (See attachments)

As supervisor of the local alcohol/drug abuse clinic I know there is an extremely high correlation between youths receiving minor consuming charges and a year or two later showing up at the clinic with a DWI. I feel this type of legislation has a twofold beneficial effect: it will initially make our roads safer and secondly it will help to impact the severity of drinking and driving on our youth.

Please give this legislation your careful attention!

If I can be of any assistance please call on me!

Sincerely,

W J PIATTE
Clinical Supervisor

WJP/bjl

Hevry

Enrolled

House Bill 2975

Sponsored by Representatives LOMBARD, AGRONS, ANDERSON, BELLAMY, BROGOITTI, CALOURI, DeBOER, FARMER, FORD, HARPER, MARKHAM, MILLER, PARKINSON, VAN VLIET, VanLEEuwEN, 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 9 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

Received by Governor:
 M., 1983

.....
 Chief Clerk of House

Approved:
 M., 1983

.....
 Speaker of House

.....
 Governor

Passed by Senate July 11, 1983

Filed in Office of Secretary of State:
 M., 1983

.....
 President of Senate

.....
 Secretary of State

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.



Licenses revoked

Myrtle Point, Oregon 10/31/54

Seventy-one young people were denied driving privileges by court order during September. Denials were based on violations of alcohol or drug laws by young people between the ages of 13 and 17.

Most of the young people (48) who were denied driving privileges last month were males. The most frequent reason for denial was "minor

in possession of alcohol" which, alone, accounted for 76 percent (54) of the court ordered denials.

The Motor Vehicles Division's administrator, David P. Moonaw, said that the September figure brings the number of denials so far this year to 692. The law took effect late in 1933.

Other grounds for denial last month were minor in possession of drugs, 11; having an open container of an alcoholic beverage in a motor vehicle, 4; and intoxicated minor (not related to driving), 2.

Three denials were for 13-year olds. Five were 14 years old; 10 were 15 years old; 21 were 16 years old and 32 were 17 years old.

Under the law, denial means no license can be issued or a license already issued must be taken away for one year or until the person becomes 17, whichever is longer. Repeat offenders, however, are suspended or denied a license for one year or until the person becomes 18, whichever is longer.

Introduced: 1/13/86
Referred: State Affairs
and Judiciary

1 IN THE SENATE

BY RAY

2

SENATE BILL NO. 323

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 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,
13 suspend or revoke a driver's license, the department shall suspend a
14 minor's license to drive upon receipt of a record of conviction or
15 adjudication of a violation of an offense listed in AS 28.15.185(a).

16 The department shall impose the suspension as follows:

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

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

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

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

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 adju-
12 dications.

13 * Sec. 3. AS 28.40.100(a)(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. 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 juris-
18 diction of a minor past the minor's 18th birthday, within 30 days of
19 the date on which the court relinquishes jurisdiction over the minor,
20 the court shall order sealed all the court's official records, infor-
21 mation and social records pertaining to that minor, as well as records
22 of all criminal proceedings against the minor and punishments assessed
23 against the minor except for traffic offenses. A person may not use
24 these sealed records for any purpose except that the court may order
25 their use for good cause shown or may order their use by an officer of
26 the court in making a presentencing report for the court.

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

Offered: 1/30/86
Referred: Judiciary and
Finance

Original sponsor: Ray

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 323 (State Affairs)
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
14 operation of a motor vehicle for which a driver's license is required
15 shall revoke that person's driver's license as provided in this
16 subsection. The revocation may be concurrent with or consecutive to
17 an administrative revocation under AS 28.15.165. The court may not,
18 except as provided in (e) of this section, grant limited license
19 privileges for 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.

Offered: 3/21/86
Referred: Finance

Original sponsor: Ray

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 323 (Judiciary)
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."

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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:

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21 years, the person has not previously been convicted of an offense

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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
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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

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13 laws of this state;

14 * Sec. 4. AS 47.10.090(a) is amended to read:

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17 the court's permission and only by persons having a legitimate inter-
18 est in them. All information and social records pertaining to a minor
19 and prepared by an employee of the court or by a federal, state or
20 city agency in the discharge of the employee's or agency's official
21 duty, are privileged and may not be disclosed directly or indirectly
22 to anyone without the court's permission, except for traffic offenses
23 and driver's license action taken under AS 28.15.185. Traffic of-
24 fenses and driver's license action may not be disclosed without the
25 court's permission, except as specified in AS 28.15.151. However, a
26 state or city law-enforcement agency shall disclose information re-
27 garding a case which is needed by the person or agency charged with
28 making a preliminary investigation for the information of the court.
29 The court shall forward a record of adjudication of a violation of an

1 offense listed in AS 28.15.185(a) to the Department of Public Safety.
2 Within 30 days of the date of a minor's 18th birthday or, if the court
3 retains jurisdiction of a minor past the minor's 18th birthday, within
4 30 days of the date on which the court relinquishes jurisdiction over
5 the minor, the court shall order sealed all the court's official
6 records, information and social records pertaining to that minor, as
7 well as records of all criminal proceedings against the minor and
8 punishments assessed against the minor except for traffic offenses and
9 driver's license action taken under AS 28.15.185. A person may not
10 use these sealed records for any purpose except that the court may
11 order their use for good cause shown or may order their use by an
12 officer of the court in making a presentencing report for the court.

13 * Sec. 5. This Act takes effect September 1, 1986.

COMMITTEE REPORT

SENATE

Judiciary

FURTHER:

France

1/13/86

Date _____

Mr. President

The Committee on State Affairs considered SB 323
suspension and revocation of a minor's license to drive and the
definition of driver's license; efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 323 (SA)
- new title
- same title and recommends do pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Edgar De Vries
V. Fischer
Bill Kay
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
Chairman
[Signature]
Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

1/30/86

Date 3/20/86

Mr. President

The Committee on JUDICIARY considered SB 323
suspension and revocation of a minor's license to drive and the
definition of driver's license. efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/~~or adopt~~ CS for CS SB 323 (SA) (Jud)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" FISCAL NOTE
Zero
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Tim Kelly Alden

MEMBERS HAVING
OTHER RECOMMENDATIONS

Jim Furb no rec
DO NOT PASS - Fine
Punishment is disproportionate
to the crime
Rick Halford no rec

Chairman Kelly

Chairman recommendation _____