

S B

4 999

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 25, 1990

FURTHER REFERRALS:

Date of Committee Action: 5/3/90

The JUDICIARY Committee considered:

SB 499

SENATE BILL NO. 499

APPEAL FROM DRIVER'S LICENSE REVOCATION

"An Act relating to appeal of administrative action against a driver's license."

RECOMMENDATIONS:

- be replaced with _____ the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) 4/3/90 Dept. Pub. Safety
- zero fiscal note(s) 3/2/90 Crst System
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
PASS No Rec Amend

<u>M. Davis</u> M. Davis	<u>Peter Groll</u> Groll		X	
<u>Davidson</u> Davidson	<u>Serry Martin</u> Martin		✓	
<u>L. Ellis</u> Ellis				
<u>G. Gruenberg</u> Gruenberg				

Peter Groll
Chairman's Signature

10/1
JUD

(5)

Date Referred: April 9, 1990

FURTHER REFERRALS:

JUDICIARY

Date of Committee Action: 4/24/90

The TRANSPORTATION Committee considered:

SE 499

SENATE BILL NO. 499

APPEAL FROM DRIVER'S LICENSE REVOCATION

"An Act relating to appeal of administrative action against a driver's license."

RECOMMENDATIONS:

- [] be replaced with _____ [] the 'same' title
- [] have attached amendment(s) [] a new title
- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:
(Date/Dept)

- [] fiscal impact _____
- [] zero fiscal note _____
- [] zero with analysis _____

- [] fiscal note(s) _____
- [] zero fiscal note(s) DOT + courts
- [] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

	Do Not Pass	No Rec	Amend
--	-------------	--------	-------

Ben [Signature]

Bill [Signature]

Richard [Signature]

[Signature]		X	

[Signature]

Chairman's Signature



Alaska Court System
State of Alaska
OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEER STRANDBERG
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8228

April 24, 1990

Representative Peter Goll
Representative Max Gruenberg
Chair, House Judiciary Committee
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Re: SB 499 - An Act relating to appeal of administration action
against a driver's license.

Dear Representatives Goll and Gruenberg:

The Alaska Court system would appreciate a hearing on SB 499 at your earliest convenience. The purpose of this bill is to conform the Department of Motor Vehicle driver's license revocation appeal procedure to the procedure followed by other DMV and non-DMV administrative appeals.

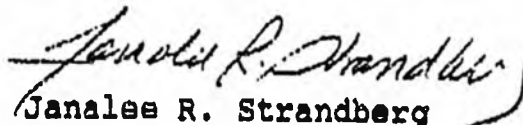
The present statute, AS 28.05.141(d), provides that license revocation appeals are to be heard de novo by the district court "in accordance with the applicable Rules of Court governing appeals in civil matters." However, there are no rules governing appeals to district court because there are no other appeals to district court. The statutes defining district court jurisdiction (AS 22.15) do not give the district court appellate jurisdiction. Jurisdiction over appeals from administrative agencies is specifically given to the superior court by AS 22.10.020(d).

This bill would give the superior court appellate jurisdiction over driver's license revocation appeals and these appeals would be on the record rather than de novo. This would both simplify and standardize the administrative appeal process. The Department of Public Safety supports this bill and I am enclosing a copy of its position paper.

Representative Peter Goli
Representative Max Gruenberg
April 24, 1990
Page 2

I would be happy to answer questions you may have about this proposed legislation.

Sincerely,


Janalee R. Strandberg
Staff Counsel

JRS:bh

Encl.

cc: Representative Mike Davis
Representative Cliff Davidson
Representative Johnny Ellis
Representative Terry Martin
Representative Mike Miller

BILL NO: SB 499

DATE: February 28, 1990

TITLE: Appeal of driver's license
revocation

CONTACT: Bill Brown
465-4335

DEPARTMENT OF PUBLIC SAFETY
PETITION PAPER

Currently, appeals of administrative revocations of a person's driver's license following an arrest for DWI are filed in the Superior Court, and appeals of administrative actions taken by the Division of Motor Vehicles (DMV) for any other reason are filed in the District Court. This bill would provide for uniformity in that all appeals from an administrative action by the Division of Motor Vehicles would be filed in Superior Court. The bill also clarifies that the judicial review of all administrative actions taken by the Division of Motor Vehicles would be on the record, whereas some are now De Novo (that is, the motorist can ask for a completely new hearing on the matter).

Currently some members of the public appear to be confused about where an appeal should properly be filed. This bill clarifies that point by specifying that all appeals of DMV actions are to be filed in the Superior Court.

The Department of Public Safety supports this bill.



Arthur English
Commissioner



FEB 23 1990

Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEER STRANDBERG
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8228

February 16, 1990

Senator Lloyd Jones
Chair, Senate Transportation Committee
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

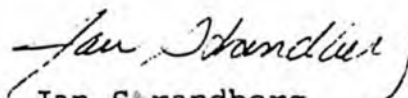
Re: SB 499 - An Act regarding appeals of administrative
revocations of driver's licenses

Dear Senator Jones:

The Alaska Court System would appreciate a hearing on this bill at your earliest convenience. The purpose of SB 499 is to bring certain Division of Motor Vehicle appeals into conformity with the regular procedure for administrative agency appeals. The current statute, AS 28.05.141(d), requires driver's license revocation appeals to be filed in the district court and to be heard de novo. There are no court rules that allow appeals to the district court or de novo hearings on appeal. This bill would bring driver's license revocation appeals into conformity with other administrative appeals that are brought in superior court and are based on the record made at the Division of Motor Vehicle hearing.

I would be happy to answer any questions you may have about this bill.

Sincerely,


Jan Strandberg
Staff Counsel

JS:gb



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEE R. STRANDBERG
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8228

February 26, 1990

HAND DELIVERED

Senator Lloyd Jones
Alaska State Legislature
P. O. Box Y
Juneau, AK 99811

Re: SB 499 - An Act relating to appeal of administrative action
against a driver's license.

Dear Senator Jones:

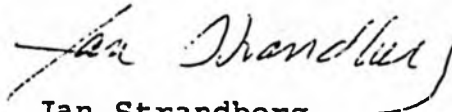
The purpose of SB 499 is to conform the Department of Motor Vehicle driver's license revocation appeal procedure to the procedure followed by other DMV and non-DMV administrative appeals.

The present statute, AS 28.05.141(d), provides that license revocation appeals are to be heard de novo by the district court "in accordance with the applicable Rules of Court governing appeals in civil matters". However, there are no rules governing appeals to district court because there are no other appeals to district court. The statutes defining district court jurisdiction (AS 22.15) do not give the district court appellate jurisdiction. Jurisdiction over appeals from administrative agencies is specifically given to the superior court by AS 22.10.020(d).

This bill would give the superior court appellate jurisdiction over driver's license revocation appeals and these appeals would be on the record rather than de novo. This would both simplify and standardize the administrative appeal process.

Thank you for this opportunity to explain the reason why the court system requested this proposed legislation. I would be happy to answer questions you may have about it.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan Strandberg".

Jan Strandberg
Staff Counsel

JS:gb

cc: Senate Transportation Committee members:

Senator Fahrenkamp
Senator Fischer
Senator Pourchot
Senator Coghill

STATE OF ALASKA
1990 LEGISLATIVE SESSION

Bill Version: SB 499 (a)
Publish Date: 3/2/90

FEB 20 1990

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Alaska Court System
 Title: An Act relating to appeal of administrative action against a driver's license BRU: Trial Courts
 Sponsor: Judiciary Committee Components: _____
 Requestor: Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Jan Strandberg, General Counsel
 Division: Alaska Court System
 Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System

Phone: 264-8228
 Date: 02/27/90
 Date: 02/27/90

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management & Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: Appeal from driver's license
revocation BRU: Motor Vehicles
 Sponsor: Judiciary Committee Component: _____
 Requestor: Senate Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Bill Brown
 Division: Motor Vehicles

Phone: 465-4335
 Date: 02-26-90

Approved by Commissioner: Arthur English
 Agency: Department of Public Safety

Date: 2-28-90
 Page 1 of 1

Handwritten: 2/26/90