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98

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act relating to the penalty imposed for certain traffic offenses
 Sponsor: Fahrenkamp
 Requestor: (S) CRA

Agency Affected: H&SS
 BRU: State Health Services
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Elizabeth Ward, Director *E. Ward* Phone: 465-3090
 Division: Public Health Date: 2/24/89

Approved by Commissioner: Myra M. Munson *Myra M. Munson* Date: 3/6/89
 Agency: Department of Health and Social Services

Distribution (by preparer):

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

Position Paper

Senate Bill No. 98

For an Act Entitled: "An Act relating to the penalty imposed for certain traffic offenses."

This Act would amend AS 28.05.151 to allow a ten percent (10%) reduction in the fine or bail that would otherwise be applicable to a moving traffic violation if the driver and all passengers are wearing their safety belts or appropriate safety devices at the time of the commission of the infraction.

Discussion

Motor vehicle crashes are a leading cause of death, injury, and disability. They are the leading cause of death to persons between 1 and 14 years of age. For teenagers, car crash fatalities outnumber the next five causes of death combined. Numerous studies have shown that safety belts and other vehicle safety devices, such as child restraints, substantially reduce the likelihood of death or injury to motor vehicle occupants involved in crashes. Efforts to educate the public about the benefits of safety belts have met with some success, but many people still fail to wear their safety belts.

The intent of this Act is to provide an incentive for some individuals to wear their safety belts by reducing the fine or bail imposed for a traffic violation. The department has found no evidence in the literature that such a law would have as much of a measurable impact on persuading people to wear safety belts as would legislation requiring mandatory safety belt use. However, this law could complement a mandatory safety belt use law and may provide an added incentive for persons to wear their safety belts.

Position

The Department of Health and Social Services supports the intent of this Act. However, the department does not see this Act as a substitute for a mandatory safety belt use law. The department does, however, see this Act as a complement to a mandatory safety belt use law.

Recommended: Elizabeth Ward
Elizabeth Ward, M.N., Director
Division of Public Health

Date: March 6, 89

Approved: Myra M. Munson
Myra M. Munson, Commissioner
Department of Health and
Social Services

Date: March 6, 1989

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SB 98
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to the penalty imposed for certain traffic offenses."
Sponsor: Senator Fahrenkamp
Requestor: Senate C&RA

Agency Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachments & C.I.B.

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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-
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)
No fiscal impact is anticipated.

Prepared by: Francis C. Allan *G.C.A.*
Division: Alaska State Troopers

Phone: 269-5691
Date: 01/20/89

Approved by Commissioner: S.U.H. English
Agency: Department of Public Safety

Date: 1-24-89

**Community and Regional Affairs Committee
February 21, 1989**

SB 98: An act relating to the penalty imposed for certain traffic offenses
Sponsor: Fahrenkamp, Coghill and Eliason
Fiscal: none

THE NEXT BILL BEFORE THE COMMITTEE IS SENATE BILL 98, AN ACT RELATING TO THE PENALTY IMPOSED FOR CERTAIN TRAFFIC OFFENSES. THIS BILL WOULD GIVE A 10 PERCENT REDUCTION IN THE AMOUNT OF BAIL OR FINE IF THE DRIVER OR PASSENGERS IN A CAR THAT WAS CITED FOR A MOVING VEHICLE VIOLATION WERE WEARING SEATBELTS.

IN YOUR PACKETS ARE A SECTIONAL ANALYSIS, A ZERO FISCAL NOTE, A POSITION PAPER FROM THE DEPARTMENT OF PUBLIC SAFETY AND RELATED STATUTES.

SENATOR FAHRENKAMP IS HERE TO SPEAK FURTHER.

ALSO HERE: MAYBE ELLEN MOORE FROM PUBLIC SAFETY

ON TELECONFERENCE. Bill — FROM COURT SYSTEM

Alaska Court System

Fiscal Analysis for SB 98

This legislation allows a 10 percent reduction in traffic bail or fine amounts for moving violations, if all persons in the vehicle are wearing seatbelts at the time of committing the infraction. This legislation will reduce fine and forfeiture revenues to the state.

To estimate the fiscal impact, the court obtained information from the Alaska Seatbelt Use Coalition on seatbelt utilization. The Coalition's studies indicate that approximately 35 percent of Anchorage drivers and 39 percent of Fairbanks drivers wear seatbelts or a simple average of 37 percent for both areas. Information is not available for other areas of the state or for passenger seatbelt usage. For estimating the impact of this legislation on revenues, it is assumed that driver and passenger seatbelt utilization will average 37 percent for the entire state.

The fiscal impact is estimated as follows:

Estimated statewide traffic violation revenues from moving violations	\$520,000
Estimated percentage of seatbelt usage	37% -----
Estimated statewide revenues for traffic violations involving drivers and passengers using seatbelts	192,400
Bail or fine reduction percentage for seatbelt use	10% -----
Estimated reduction in statewide traffic violation revenues	\$19,240 =====

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, RESOURCES COMMITTEE
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MEMORANDUM

TO: Senator Al Adams, Chairman
Senate Community & Regional Affairs Committee

FROM: Senator Bettye Fahrenkamp

DATE: February 20, 1989

RE: Sectional Analysis of SB 98

SB 98 "An Act Relating to the penalty imposed for certain traffic offenses".

Section 1. AS 28.05.151 Citations for scheduled vehicle and traffic offenses.

Amended to include reference to proposed Section 2 of the bill.

Section 2. AS 28.40.050 Penalty for violations of law, regulations, and municipal ordinances.

Adds a new subsection (f) which would give a 10% reduction in the amount of a bail or fine if the driver and any passengers were wearing seatbelts at the time of a commission of a moving traffic infraction for which the Supreme Court has established a scheduled amount of bail.*

*Examples of such infractions are speeding, ignoring a stop sign or red light, i.e. infractions that do not carry jail time or require a court appearance. It does not apply to felonies, misdemeanors, or infractions requiring court appearances. For instance, if a driver was charged with driving while intoxicated, reckless driving, or negligent homicide, he or she would not receive a reduction.

Hearings.

Unless otherwise specified, title or regulations of the department under current practice and procedures shall be in force. A person who requesting a hearing shall be heard by the department. The hearing officer must be impartial and not be involved in the matter which is under review. The hearing officer shall not make formal findings of fact or conclusions of law. The hearing officer must state the evidence received and the reasons therefor shall be recorded. The hearing shall be held at the request of the person requesting a hearing. If a person fails to appear at the hearing, the department may proceed in the absence of the person. If it appears that the hearing is necessary, the department shall so order and may take other remedial action, or title and, if appropriate, total accrual. The hearing officer may, at the discretion of the department, rescind the hearing if it is determined that the hearing was unnecessary. The court

shall conduct a hearing de novo. The decision of the department suspending, revoking, canceling, limiting, restricting or denying a license, registration, title, permit or privilege is stayed and does not take effect during the pendency of an appeal. (§ 6 ch 178 SLA 1978; am § 2 ch 60 SLA 1986)

Effect of amendments. — The 1986 amendment in subsection (c) inserted "registration, or title."

Article 4. Disposition of Certain Vehicle and Traffic Offenses.

Section

151. Citations for scheduled vehicle and traffic offenses

Sec. 28.05.151. Citations for scheduled vehicle and traffic offenses. The supreme court shall determine by rule or order those motor vehicle and traffic offenses, except for offenses subject to a scheduled municipal fine, that are amenable to disposition without court appearance and shall establish a scheduled amount of bail, not to exceed fines prescribed by law, for each offense. A municipality shall determine by ordinance the municipal motor vehicle and traffic offenses that may be disposed without court appearance and shall establish a fine schedule for each offense. (§ 6 ch 178 SLA 1978; am § 8 ch 76 SLA 1987)

Effect of amendments. — The 1987 amendment, effective January 1, 1988, rewrote this section.

Chapter 10. Vehicle Registration and Title.

Article

1. Registration (§§ 28.10.011, 28.10.021, 28.10.041, 28.10.051, 28.10.101 — 28.10.151, 28.10.165, 28.10.181)
2. Title (§ 28.10.201)
3. Transfer of Vehicle (§ 28.10.321)
5. Fees and Charges (§§ 28.10.411 — 28.10.441)
7. General Provisions (§§ 28.10.495, 28.10.502)

Article 1. Registration.

Section

11. Vehicles subject to registration
21. Application for registration
41. Grounds for refusing registration
51. Department may suspend or revoke registration
101. [Repealed]
105. [Repealed]

Section

107. [Repealed]
108. Registration procedures
111. Renewal of registration
121. Vehicles of nonresidents
131. Vehicles previously registered in other jurisdictions
141. Interstate use of vehicles

(b) The administrator of each party state shall furnish to the administrator of each other party state the information or documents reasonably necessary to facilitate the administration of the compact. (§ 18 ch 60 SLA 1986)

Sec. 28.37.180. Compact as law; withdrawal procedure.

(a) The compact shall become effective as to any state in which the compact becomes effective as the law of that state.

(b) A party state may withdraw from the compact by enacting a statute repealing the compact as the law of the state, but a withdrawal may not take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. Withdrawal does not affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring before the withdrawal. (§ 18 ch 60 SLA 1986)

Sec. 28.37.190. Construction and validity; severability. The compact shall be liberally construed so as to effectuate its purposes. The provisions of the compact are severable and if any phrase, clause, sentence, or provision of the compact is declared to be contrary to the constitution of any party state or of the United States or the applicability of it to a government, agency, person or circumstance is held invalid, the validity of the remainder of the compact and the applicability of it to any government, agency, person or circumstance shall not be affected by it. If the compact is held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. (§ 18 ch 60 SLA 1986)

Chapter 40. General Provisions.

Section

50. Penalty for violations of law, regulations, and municipal ordinances

Section

100. Definitions for title

Sec. 28.40.050. Penalty for violations of law, regulations, and municipal ordinances. (a) It is a misdemeanor for a person to violate a provision of this title unless the violation is by this title or other law declared to be a felony or an infraction.

(b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both. In addition, the privilege to drive or the registration of vehicles may be suspended or revoked.

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(c) Unless otherwise specified by law a person convicted of a violation of a regulation adopted under this title, or a municipal ordinance regulating vehicles or traffic when the municipal ordinance does not correspond to a provision of this title, is guilty of an infraction and is punishable by a fine not to exceed \$300.

(d) An infraction, as provided for in (c) of this section, is not considered a criminal offense and may not result in imprisonment, nor is a fine imposed for the commission of an infraction considered a penal or criminal punishment; nor may the commission of a single infraction result in the loss of a driver's license or privilege to drive in this state except as may result from the accumulation of points under AS 28.15.221 — 28.15.261, or the registration of vehicles; nor does a person cited with an infraction have a right to trial by jury or to court-appointed counsel.

(e) [Repealed, § 5 ch 85 SLA 1987.] (§ 50-1-8 ACLA 1949; am § 12 ch 241 SLA 1976; am §§ 22, 23 ch 144 SLA 1977; am § 5 ch 85 SLA 1987)

Effect of amendments. — The 1987 amendment repealed subsection (e), concerning overweight penalties.

NOTES TO DECISIONS

Prerequisite to suspension of license or privilege to drive. — A driver's license or privilege to drive cannot properly be suspended unless the driver was in fact licensed or otherwise actually privileged to drive a motor vehicle within the state. *Roberts v. State*, Ct. App. Op. No. 478 (File No. A-342), 700 P.2d 815 (1985).

Generic penalty provision. — Subsec-

tion (b) is not a penalty provision dealing specifically with the offense of driving while license suspended; rather it is a generic penalty provision, broadly applicable to violations of all Title 28 provisions for which the specific penalties are given. *Roberts v. State*, Ct. App. Op. No. 478 (File No. A-342), 700 P.2d 815 (1985).

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

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

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

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

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

(5) "driver's license", or "license" when used in relation to driver licensing, means a license, permit, or privilege to obtain a driver's

**STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE**

JAN 26 1989

REQUEST: _____ Bill Version: SB 98
 Publish Date: 1/10/89

Revision Date: _____ Agency Affected: Alaska Court System
 Title: An act relating to the penalty BRU: Trial Courts
 imposed for certain traffic offenses
 Sponsor: _____ Components: _____
 Requestor: Fahrenkamp

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
OPERATING						
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	(19.2)	(19.2)	(19.2)	(19.2)	(19.2)

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)

See attached analysis.

Prepared by: *Jan Strandberg* Jan Strandberg, General Counsel Phone: 264-8228
 Division: Alaska Court System Date: 01/23/89

Approved by: *Stephanie Cole for* Arthur H. Snowden, II, Administrative Director Date: 01/23/89
 Agency: Alaska Court System

Distribution (by preparer):
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 Impacted Agency(ies)
 Senate Secretary

