

HB444

(11)

HOUSE COMMITTEE REPORT

Date Referred: March 20, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/4/92

The FINANCE Committee considered:

HB 444

HOUSE BILL NO. 444

REVOKE DRIVER'S LICENSE IF USE FALSE I.D.

"An Act relating to licenses issued to drivers and to revocation of a license to drive."

RECOMMENDATIONS:

be replaced with

CS HB 444 (JUD)

the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) DPS 2/26/92

zero fiscal note Admin

zero fiscal note(s) Law 3/26/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
EP Maclean Maclean	✓				
Mike Navarre Navarre	✓				
Mark Boyer Boyer	X				
Tony Brown Brown	✓				
Thomas Kopina	✓				
Thomas Barnes Barnes	X				
Ben Sharp Sharp	✓				
Paul Phillips Phillips	✓				
Ronald L. Jansen Jansen	X				
A. Wimer Wimer	X				

Mike Navarre EP Maclean
CO-CHAIRMAN'S SIGNATURE Maclean

R10 514192

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 444 (JUD)

Revision Date: _____
Title: "...relating to fees for identification cards...
revocation of a license to drive..."
Sponsor: Representative Choquette
Requestor: House Judiciary

Department Affected: Department of Law
BRU: Prosecution
Component: All

COMPONENT SERIAL

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Expenditures/Revenues: (Thousands of Dollars) 85 through 91

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

This bill amends AS 18.65 and AS 28.15 to increase the fees for identification cards issued by the Department of Public Safety, and to increase the fees for a non-commercial driver's license, instruction permit, and a duplicate license or permit. The bill also establishes an administrative revocation process for the use of a driver's license as fraudulent or false identification, which is prohibited by the state's alcoholic beverage control laws.

This bill is not expected to have a fiscal impact on the Department of Law, because revocations would be handled administratively by the Department of Public Safety.

Prepared by: Richard I. Peques, Director
Division: Administrative Services

Phone: 465-3672
Date: March 10, 1992

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Date: March 10, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

R10 514192

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 444(JUD)

Revision Date: 4/30/92 Department Affected: Public Safety
 Title: An Act relating to licenses issued to drivers and to revocation of a license to drive BRU: Motor Vehicles
 Sponsor: Representative Choquette Component: Driver Services
 Requestor: House Finance COMPONENT SERIAL NO.

5	0	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	134.5	134.5	134.5	134.5	134.5	134.5
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	56.7	56.7	56.7	56.7	56.7	56.7
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	24.7	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	217.4	192.7	192.7	192.7	192.7	192.7

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	593.5	593.5	593.5	593.5	593.5	593.5
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:	217.4	192.7	192.7	192.7	192.7	192.7
TOTAL	217.4	192.7	192.7	192.7	192.7	192.7

POSITIONS:

FULL-TIME	3	3	3	3	3	3
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 See attached.

Prepared By: Juanita Hensley Phone: 465-4335
 Division: Motor Vehicles Date: 4/30/92
 Approved by Commissioner: [Signature] for Richard L. Burton
 Agency: Department of Public Safety Date: 4/30/92

This bill will require the Division of Motor Vehicles to place a holographic symbol on every driver's license in a further attempt to prevent alteration or duplication of a driver's license. This bill also requires the revocation of the driver's license of any person under the age of 21 who uses a false driver's license in an attempt to gain entry to purchase alcohol. The Division of Motor Vehicles processes approximately 200,000 driver license and ID card transactions yearly. The present cost to produce a license is 85 cents per card. To place a hologram on the license will increase the cost from 85 cents to \$1.10 thus increasing the overall contractual cost to DMV an additional 50.0 a year.

The Alcohol Beverage Control Board reports that approximately 500 to 700 licenses are confiscated and referred to their agency by liquor establishments when a person under 21 is attempting to purchase alcohol. The department receives approximately 1,500 licenses each year that are surrendered or confiscated by law enforcement. The 1,500 licenses includes the 500 to 700 that are surrendered to the ABC Board.

In order to handle the 1,500 additional license revocations a year, and provide due process for the person, one full-time Driver Improvement Specialist/Hearing Officer, and two full-time Document Processor IIs will be required. The duties of these positions are detailed in the attached request for new positions. The personal services cost for a Driver Improvement Specialist is 53.6; the personal services cost for the Document Processor II positions is 70.0; an additional 10.8 is needed for overtime expenses associated with reinstatement of revoked driver's licenses. The total for personal services is 134.5. The overtime pay is requested in lieu of a Motor Vehicle Representative III position, as the workload required to reinstate the offenders' driver's licenses will be borne by all of the Motor Vehicle Field offices throughout the state.

To revoke 1,500 additional driver's licenses a year takes over 30 processing steps per revoked license. It is estimated that 25% of all persons referred to DMV for a license revocation will request an administrative hearing. Each hearing takes approximately 20 minutes to one hour to conduct. All of the 30 processing steps varies in the time it takes to complete each step. Complete accuracy is essential, as an error of entry onto a record could result in civil liability to the State. It takes approximately 20 minutes per applicant to reinstate a revoked driver's license; the person must make a new application for the driver's license or permit, take all of the required tests, and if the person is under the age of 18 a parent or guardian must give consent for the driver's license or permit, file the SR-22 (Certificate of Insurance) and pay the reinstatement fee. All of these steps total approximately 400 hours of additional workload for the Motor Vehicle Field office personnel.

Under existing law, each person whose license has been revoked must pay a \$100 fee when applying for reinstatement of his or her driver's license. Assuming that 90 percent of the minors who are eligible for reinstatement will comply with the reinstatement requirements, approximately 135.0 will be generated annually as program receipts.

This bill increases the fees for driver's licenses, permits and identification cards. The fee increases are as follows:

- (1) driver's license from \$10.00 to \$12.00
- (2) instruction permit from \$ 3.00 to \$5.00
- (3) duplicate license or permit from \$3.00 to \$5.00
- (4) school bus endorsement permit from \$3.00 to \$5.00
- (5) identification card from \$5.00 to \$10.00

These fee increases will generate approximately 458.5 in revenues from the increase of the license fees and an additional 135.0 in reinstatement fees.

DETAIL

		<u>FY93</u>
100	PERSONAL SERVICES	134.5
	1 Driver Improvement Spec 53.6	
	2 Document Processor II 70.1	
	Overtime MVR III Field Office 10.8	
200	CONTRACTUAL	56.7
	Hologram inlaid driver license pouch 50.0	
	Postage and tolls 2.5	
	Telephone line fees .5	
	Conference Call and long distance fees 3.7	
400	SUPPLIES	1.5
	Routine Office Supplies	
500	EQUIPMENT	24.7
	3 Computer Terminals	
	3 Network Line Hook-ups	
	3 Desks	
	3 Chairs	
	3 5-Drawer File Cabinets	
	TOTAL	217.4

Position Title Driver Improvement Specialist		Number of Positions 1	Range/Step 16-A	Bargaining Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage	Election District	
Type of Expenditure		Amount		
1	2	3		
Salary*	37.3			
Benefits*	16.3			
Premium Pay (Included in Above)				
Other				
Total Personal Services		53.6		
Travel		0		
Contractual		2.2		
Commodities		.5		
Equipment		8.2		
Other		10.8		
Total Cost		75.3		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

Justification
This position will conduct administrative hearings involving the revocation of a minor's driver's license and/or privilege to drive. It will prepare the file, send notice to parties advising of the date and time of the hearing, conduct the hearing, prepare the file for appeal, enter license action onto the minor's driving record, and handle all correspondence associated with this program.

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

BRU Motor Vehicles

COMPONENT Driver Services

FY 93

Page 5 of 5

Revised Date

Position Title Document Processor II		Number of Positions 2	Range/Step 8-8	Bargaining Unit GGU
Time Status PFT	Staff Months 12 each	Location Juneau	Election District	
Type of Expenditure		Amount		
1	2	3		
Salary*	46.3			
Benefits*	23.8			
Premium Pay (Included in Above)				
Other				
Total Personal Services		70.1		
Travel		0		
Contractual		4.5		
Commodities		1.0		
Equipment		16.5		
Other		0		
Total Cost		92.1		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				
Justification These positions would handle the necessary paperwork and computer entry onto the minor's record. Among other duties, the positions will send out letters advising the person of the dates of the license revocation, prepare files for hearing officer after the person has requested a hearing, file, close files out, sanitize for microfilm, microfilm, enter microfilm documents for microfilm retrieval, enter license revocation data. It is estimated that these positions will handle approximately 1,500 license revocation files a year.				

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety

BRU Motor Vehicles

COMPONENT Driver Services

FY 93

Page 4 of 5

Revised Date _____

FISCAL NOTE

R10 514192

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 444 (JUD)

Revision Date: _____
Title: An Act relating to fees for identification cards and motor vehicle licenses and . . . to revocation of a license to drive . . .
Sponsor: Choquette
Requestor: House Finance

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy

COMPONENT SERIAL NO.

		4	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
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

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: March 25, 1992

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 4/3/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Administration	DIVISION Office of Public Advocacy	BILL NUMBER CSHB 444 (JUD)	SPONSOR Choquette
SHORT TITLE OF BILL An Act relating to fees for identification cards and certain motor vehicle licenses and . . . to revocation of a license to drive			
DEPARTMENT POSITION			
PREPARED BY Brant McGee, Public Advocate	DATE March 25, 1992	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 4-4-92

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Unknown	CONSTITUENT GROUP(S) AFFECTED BY BILL Unknown
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The bill increases from \$5.00 to \$10.00 the fee for a State identification (ID) card. The bill provides for licenses to display a holographic symbol to deter illegal alterations. The bill adds a new section to AS 28.15 which allows a police officer to seize the license from a person determined to have used it as false ID to purchase alcohol on licensed premises and requires the Division of Motor Vehicles (DMV) to revoke the license for 6 months for a first offender and for 12 months (or until age 21) for a subsequent offender, whichever is greater. The bill increases the license fee for noncommercial vehicles from \$10.00 to \$12.00.

ANALYSIS OF BILL/PROGRAM EFFECTS

This bill is aimed at the young offender who uses a false driver's license to enter licensed premises where alcohol is sold in order to obtain alcohol. The license seizure by a police officer is authorized whenever the officer "determines" that a person used the license to illegally obtain alcohol. This determination is apparently discretionary with the officer. There is no provision for revising this determination. The officer is required to read a notice of intent to revoke and provide a temporary license, valid for 7 days. This will require the officer to generally carry the notice with him or delay seizure until sometime after the event. The officer must provide DMV with the license and a sworn statement about the circumstances of its seizure. Upon receipt of the license and statement, DMV must revoke the license for a minimum of 6 months, effective seven 7 days after the seizure.

The driver may request a hearing where proof is by the preponderance of evidence. Testimony may be taken telephonically at the hearing. There is no provision for limited licenses. The effect of this bill will be the loss of driving privileges for persons who are determined to have used a false license to obtain alcohol whether or not they are convicted of any offense. Unsophisticated, youthful offenders may be unlikely to request hearings.

In summary, the bill allows the taking of a valuable license at the discretion of a single peace officer with no due process protection. Further, loss of a license with no opportunity for a limited license, could well cause the loss of employment to young offenders--hardly a desirable outcome for the most crime-prone sector of the population.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 444 (JUD)

Revision Date: _____

Department Affected: Administration

Title: "An Act relating to licenses issued to drivers and to revocation of a license to drive."

BRU: Public Defender Agency

Sponsor: Choquette

Component: Public Defender Agency

Requestor: House Finance

COMPONENT SERIAL NO.

1	6	3	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	*	*	*	*	*	*
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL	*	*	*	*	*	*
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REVENUE FUND SOURCE:	*	*	*	*	*	*
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FUNDING: (Thousands of Dollars)

GENERAL FUND	*	*	*	*	*	*
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	*	*	*	*	*	*

POSITIONS:

FULL-TIME	*	*	*	*	*	*
PART-TIME						
TEMPORARY	*	*	*	*	*	*

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
(See attached)

Prepared by: John Salemi, Director
Division: Public Defender Agency

Phone: 279-7541
Date: March 26, 1992

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 4/3/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSEB 444 (JUD)

ANALYSIS: (continued)

- 8 -

Title: "An Act relating to licenses issued to drivers and to revocation of a license to drive."

Committee substitute for HB 444 raises fees required for the Department of Public Safety to issue identification cards (from \$5 to \$10) and for driver's licenses (from \$10 to \$12), instruction permits (from \$3 to \$5), and duplicate licenses or permits (from \$3 to \$5). The committee substitute also provides for administrative review procedures for license revocation. Without meaningful information regarding the numbers of cases affected by this broader application of license revocation, qualifying fiscal impact is impossible.

CS FOR HOUSE BILL NO. 444 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/20/92
Referred: Finance

Sponsor(s): REPRESENTATIVES CHOQUETTE, Koponen

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to fees for identification cards and certain motor vehicle licenses and
2 permits; to licenses issued to drivers and to revocation of a license to drive; and
3 providing for an effective date."

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

5 * Section 1. AS 18.65.310(a) is amended to read:

6 (a) Upon payment of a \$10 [\$5] fee, the Department of Public Safety shall issue a card
7 identical to the motor vehicle operator's license provided for in AS 28.15.111, except that the
8 card shall be of a different color and shall state in bold type letters across the face of it that it
9 is for identification purposes only.

10 * Sec. 2. AS 28.15.111(a) is amended to read:

11 (a) Upon successful completion of the application and all required examinations, and
12 upon payment of the required fee, the department shall issue to every qualified applicant a
13 driver's license indicating the type or general class of vehicles that the licensee may drive. The
14 license must display (1) a distinguishing number assigned to the license; (2) the licensee's full

1 name, address, date of birth, brief physical description, and color photograph; [AND] (3) either
2 a facsimile of the signature of the licensee or a space upon which the licensee must write the
3 licensee's usual signature with pen and ink; (4) a holographic symbol intended to prevent
4 illegal alteration or duplication; and (5) for a qualified applicant who is under age 21, the
5 words "UNDER 21". A license is not valid until signed by the licensee. If facilities are not
6 available for the taking of the photograph required under this section, the department shall
7 endorse on the license, the words "valid without photograph."

8 * Sec. 3. AS 28.15 is amended by adding new sections to read:

9 Sec. 28.15.187. ADMINISTRATIVE REVOCATION OF A LICENSE TO DRIVE FOR
10 USE OF FALSE IDENTIFICATION. (a) If a peace officer has probable cause based on
11 personal observation that a person has used a driver's license as fraudulent or false identification
12 as prohibited by AS 04.16.060(d), the peace officer shall read a notice and deliver a copy to the
13 person. The notice must advise that

14 (1) the department intends to revoke the person's driver's license, privilege to
15 drive, or privilege to obtain a license, or refuse to issue an original license to the person;

16 (2) the person has the right to administrative review of the revocation or
17 determination not to issue an original license;

18 (3) if the person has a driver's license or a nonresident privilege to drive, the
19 notice itself is a temporary driver's license that expires seven days after it is delivered to the
20 person;

21 (4) revocation of the person's driver's license, privilege to drive, or privilege to
22 obtain a license, or a determination not to issue an original license takes effect seven days after
23 delivery of the notice to the person unless the person, within seven days, requests an
24 administrative review.

25 (b) After reading the notice under (a) of this section, the peace officer shall seize the
26 person's driver's license if it is in the person's possession and shall deliver it to the department
27 with a sworn report describing the circumstances under which it was seized.

28 (c) Unless the person has requested an administrative review, the department shall revoke
29 the person's driver's license, privilege to drive, or privilege to obtain a license, or refuse to issue
30 an original license, effective seven days after delivery to the person of the notice required under
31 (a) of this section, upon receipt of a sworn report of a peace officer

1 (1) that the officer had probable cause based on personal observations that the
2 person used a driver's license as fraudulent or false identification as prohibited by
3 AS 04.16.060(d);

4 (2) that notice under (a) of this section was provided to the person; and

5 (3) describing the circumstances surrounding the violation of AS 04.16.060(d).

6 (d) The department shall impose the revocation required under this section

7 (1) for a period of 90 days for a first revocation under this section; and

8 (2) for a second or subsequent revocation under this section for a period of 12
9 months or until the person is 21 years of age, whichever is longer.

10 (e) Notwithstanding the provisions of AS 28.20.240 and 28.20.250, the department may
11 not require proof of financial responsibility before restoring a driver's license or privilege that
12 is revoked under this section.

13 (f) A license revocation imposed under this section shall be consecutive to a license
14 revocation imposed under another provision of law.

15 Sec. 28.15.189. ADMINISTRATIVE REVIEW OF REVOCATION OF LICENSE FOR
16 USE OF FALSE IDENTIFICATION. (a) A person who has received a notice under
17 AS 28.15.187(a) may make a written request for administrative review of the department's action.
18 If the person's driver's license has not been previously surrendered to the department, it shall be
19 surrendered to the department at the time the request for review is made.

20 (b) A request for review of the department's revocation under AS 28.15.187 shall be
21 made within seven days after receipt of the notice under AS 28.15.187 or the right to review is
22 waived and the action of the department under AS 28.15.187(c) is final. If a written request for
23 a review is made after expiration of the seven-day period, and if it is accompanied by the
24 applicant's verified statement explaining the failure to make a timely request for a review, the
25 department shall receive and consider the request. If the department finds that the person was
26 unable to make a timely request because of lack of actual notice of the revocation or because of
27 factors of physical incapacity such as hospitalization or incarceration, the department shall waive
28 the period of limitation, reopen the matter, and grant the review request.

29 (c) Upon receipt of a request for review, if it appears that the person holds a valid
30 driver's license and that the driver's license has been surrendered, the department shall issue a
31 temporary driver's permit that is valid until the scheduled date for the review. A person who has

1 requested a review under this section may request, and the department may grant for good cause,
2 a delay in the date of the hearing. If necessary, the department may issue additional temporary
3 permits to stay the effective date of its action under AS 28.15.187(c) until the final order after
4 the review is issued.

5 (d) A person who has requested a hearing under this section and who fails to appear at
6 the hearing, for reasons other than lack of actual notice of the hearing or physical incapacity such
7 as hospitalization or incarceration, waives the right to a hearing. The determination of the
8 department that is based upon the officer's report becomes final.

9 (e) Notwithstanding AS 28.05.141(b), the hearing under this section shall be held
10 telephonically unless the person requesting the hearing requests in writing that the hearing not
11 be held telephonically.

12 (f) A review under this section shall be held before a hearing officer designated by the
13 commissioner. The hearing officer shall have authority to

- 14 (1) administer oaths and affirmations;
- 15 (2) examine witnesses and take testimony;
- 16 (3) receive relevant evidence;
- 17 (4) issue subpoenas, take depositions, or cause depositions or interrogatories to
18 be taken;
- 19 (5) regulate the course and conduct of the hearing;
- 20 (6) make a final ruling on the issue.

21 (g) The hearing for review of a revocation by the department under AS 28.15.187 shall
22 be limited to the issue of whether the person used a driver's license as fraudulent or false
23 identification as prohibited by AS 04.16.060(d).

24 (h) The determination of the hearing officer may be based upon the sworn report of a
25 peace officer, if the sworn report is supported by probable cause based on personal observations
26 as required under AS 18.15.187(a). The peace officer need not be present at the hearing unless
27 either the person requesting the hearing or the hearing officer requests in writing before the
28 hearing that the officer be present. If in the course of the hearing it becomes apparent that the
29 testimony of the peace officer is necessary to enable the hearing officer to resolve disputed issues
30 of fact, the hearing shall be continued to allow the attendance of the peace officer.

31 (i) Upon written request of the person requesting the hearing, the hearing officer shall

1 stay the hearing until the conclusion of related criminal proceedings. If the person requesting
2 the hearing does not request a stay, testimony given by the person at the hearing is admissible
3 against the person in a criminal trial.

4 (j) If the issue set out in (g) of this section is determined in the affirmative by a
5 preponderance of the evidence, the hearing officer shall sustain the action of the department. If
6 the issue is determined in the negative, the department's revocation action shall be rescinded.

7 (k) If the action of the department in revoking a nonresident's privilege to drive a motor
8 vehicle is not administratively contested by the nonresident driver or if the departmental action
9 is sustained by the hearing officer, the department shall give written notice of action taken to the
10 motor vehicle administrator of the state of the person's residence and to any state in which that
11 person has a driver's license.

12 (l) Within 30 days of the issuance of the final determination of the department, a person
13 aggrieved by the determination may file an appeal in superior court for judicial review of the
14 hearing officer's determination. The judicial review shall be on the record without taking
15 additional testimony. The court may reverse the department's determination if the court finds
16 that the department misinterpreted the law, acted in an arbitrary and capricious manner, or made
17 a determination unsupported by the evidence in the record.

18 (m) The filing of an appeal under (l) of this section or a petition for review does not
19 automatically stay the department's order or revocation. The court may grant a stay of the order
20 or revocation under the applicable rules of court, after a motion and hearing, and upon a finding
21 that there is a reasonable probability that the petitioner will prevail on the merits and that the
22 petitioner will suffer irreparable harm if the order is not stayed.

23 * Sec. 4. AS 28.15.271(a) is amended to read:

24 (a) The fees for drivers' licenses and permits, including but not limited to renewals, and
25 all related driver skills tests are as follows:

26 (1) all noncommercial vehicles and motor-driven cycles

27 (A) each license fee \$ 12 [10];

28 (B) each driver skills test \$ 15;

29 (2) all commercial motor vehicles

30 (A) each license fee \$100;

31 (B) each driver skills test \$ 25;

- 1 (3) instruction permit \$ 5 [3];
- 2 (4) duplicate of driver's license or instruction permit \$ 5 [3];
- 3 (5) temporary license and renewal of permit \$ 3;
- 4 (6) school bus driver's endorsement renewal \$ 3.
- 5 * Sec. 5. This Act takes effect July 1, 1992.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Administration	DIVISION Office of Public Advocacy	BILL NUMBER CSHB 444 (JUD)	SPONSOR Choquette
SHORT TITLE OF BILL An Act relating to fees for identification cards and certain motor vehicle licenses and . . . to revocation of a license to drive			
DEPARTMENT POSITION			
PREPARED BY Brant McGee, Public Advocate	DATE March 25, 1992	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 4-4-92

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Unknown	CONSTITUENT GROUP(S) AFFECTED BY BILL Unknown
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
The bill increases from \$5.00 to \$10.00 the fee for a State identification (ID) card. The bill provides for licenses to display a holographic symbol to deter illegal alterations. The bill adds a new section to AS 28.15 which allows a police officer to seize the license from a person determined to have used it as false ID to purchase alcohol on licensed premises and requires the Division of Motor Vehicles (DMV) to revoke the license for 6 months for a first offender and for 12 months (or until age 21) for a subsequent offender, whichever is greater. The bill increases the license fee for noncommercial vehicles from \$10.00 to \$12.00.

ANALYSIS OF BILL/PROGRAM EFFECTS
This bill is aimed at the young offender who uses a false driver's license to enter licensed premises where alcohol is sold in order to obtain alcohol. The license seizure by a police officer is authorized whenever the officer "determines" that a person used the license to illegally obtain alcohol. This determination is apparently discretionary with the officer. There is no provision for revising this determination. The officer is required to read a notice of intent to revoke and provide a temporary license, valid for 7 days. This will require the officer to generally carry the notice with him or delay seizure until sometime after the event. The officer must provide DMV with the license and a sworn statement about the circumstances of its seizure. Upon receipt of the license and statement, DMV must revoke the license for a minimum of 6 months, effective seven 7 days after the seizure.

The driver may request a hearing where proof is by the preponderance of evidence. Testimony may be taken telephonically at the hearing. There is no provision for limited licenses. The effect of this bill will be the loss of driving privileges for persons who are determined to have used a false license to obtain alcohol whether or not they are convicted of any offense. Unsophisticated, youthful offenders may be unlikely to request hearings.

In summary, the bill allows the taking of a valuable license at the discretion of a single peace officer with no due process protection. Further, loss of a license with no opportunity for a limited license, could well cause the loss of employment to young offenders--hardly a desirable outcome for the most crime-prone sector of the population.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

House Bill 444

Section 1 includes a provision for a holographic symbol to be included on each Alaska Driver's License. The purpose of this symbol is to prevent illegal alteration or duplication of the license especially as used by minors to obtain alcohol.

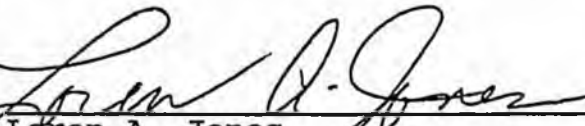
Section 2 adds provisions for revocation of a driver's license if a "fake ID" is used to purchase liquor. On a first offense, the license is revoked for six (6) months; on a second offense, the license is revoked until the driver turns 21 years of age. This section also provides for administrative review of the revocation.

The addition of the hologram on the driver's license would make the creation of a "Fake ID" much more difficult. "Fake IDs" are commonly used by teenagers to purchase alcohol in package sale stores. At this time, there is little consequence to this behavior. "Fake IDs" are confiscated and turned over to the Alcohol Beverage Control Board. Passage of this legislation would send a clear message about the seriousness of drinking and driving.

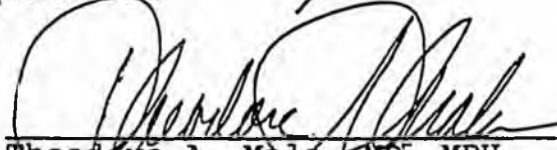
Drinking and driving is a very serious action with oftentimes fatal consequences. Teenagers are often unaware of the effects of alcohol on their bodies; they may be unaware of the impacts on peripheral vision, depth perception and reaction times. Teenagers do not have a long history of driving and consequently do not have the automatic responses which occur from driving for a number of years. This combination of inexperience with driving and the effects of alcohol on their bodies, makes drinking and driving exceedingly dangerous.

Even if teenagers do not drink and drive, the fact that the current laws provide for little consequence for use of a "fake ID" in purchasing alcohol reduces the risk of such behavior. If the stakes were higher, and the underage person knew his/her driver's license would be revoked if a "fake ID" were used to purchase liquor, fewer teenagers may be willing to take such a risk. Driving is one of the most important privileges of being a teenager, and is one most people would not want to jeopardize.

We strongly support this legislation.


Loren A. Jones
Director

2/21/92
Date


Theodore A. Mala, MD, MPH
Commissioner

3/12/92
Date

PP 92-16

BILL NO: CSHB 444(TRANS)

DATE: March 6, 1992

TITLE: An Act relating to fees,
licenses, and to revocation
of a license to drive

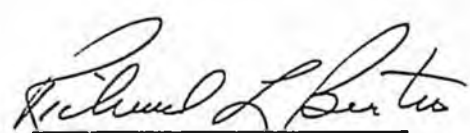
CONTACT: Juanita Hensley
Division of Motor Vehicles
465-4335

This bill amends current law by requiring that a holographic symbol be placed on driver's licenses and identification cards to help prevent illegal alteration or duplication. This bill also adds a new section to Alaska's motor vehicle driver's license law to require an administrative revocation of the driver's license of any person under the age of 21 who uses a driver's license as fraudulent or false identification in an attempt to gain entry or to purchase alcohol from a liquor establishment.

The Division of Motor Vehicles processes approximately 200,000 driver's license and ID card transactions yearly. The present cost to produce a license or ID card is 85 cents per card. To place a hologram on the license or ID card will increase the cost from 85 cents to \$1.10, thus increasing the contractual costs for DMV an additional 50.0 a year.

The Alcohol Beverage Control Board reports that approximately 500 to 700 licenses a year are confiscated from persons under 21 attempting to purchase alcohol and sent to their agency by liquor establishments. An additional approximately 1,000 licenses and ID cards a year are confiscated by law enforcement officers from persons attempting to use an altered license, or attempting to use another's license, to gain entry into a liquor establishment in an attempt to purchase alcohol. These licenses are surrendered to the Department. To offset the costs associated with the revocation of an additional 1,500 driver's licenses a year, the fees for identification cards, driver's licenses, and instruction permits have also been raised slightly.

Consumption of alcoholic beverages by minors in Alaska is a serious problem. The Department of Public Safety supports this bill as an attempt to more effectively enforce current restrictions upon minors' access to liquor establishments.


Richard L. Burton
Commissioner

STATE

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF REVENUE650 W. 7TH AVE
ANCHORAGE, ALASKA 99501-8008

ALCOHOLIC BEVERAGE CONTROL BOARD

March 11, 1992

The Honorable Dave Choquette
Alaska State House of Representatives
State Capitol
Juneau, AK 99801-1182

RE: HB 444

Dear Representative Choquette:

This letter intends to express the Alcoholic Beverage Control Board's support for Section 1 of HB 444 concerning drivers' licenses. As indicated in Enforcement Supervisor Bill Roche's memo of February 5, liquor licensees have been plagued by and exposed to myriad incidents of altered or fraudulent identification presented by underage persons for purchase of alcoholic beverages or entry to licensed premises. According to the board's information, an identification card or drivers license that displays a holographic symbol cannot be altered. The board believes that any measure, such as requiring a holographic symbol, that can deter or reduce alcohol abuse by underage persons is a benefit to licensees and the public.

The board does not have a position on Section 2 of the bill

If you have any questions, please do not hesitate to call.

Sincerely,



Patrick L. Sharrock
Director, ABC Board
(907) 277-8638

92-045

Alaska State Legislature
House of Representatives

INTERIM

3111 C Street
Anchorage, Alaska 99503
(907) 561-2032



SESSION

P.O. Box V
Juneau, Alaska 99811
(907) 465-2995

Representative Dave Choquette

SPONSOR'S POSITION STATEMENT FOR CS HB 444 (JUDICIARY):

AN ACT RELATING TO LICENSES ISSUED TO DRIVERS &
TO REVOCATION OF A LICENSE

Alcohol abuse is a severe problem in Alaska, impacting individuals, families, and communities throughout our State. In fact, Alaska ranks 4th in the nation for per capita alcohol consumption. Alaska also has one of the highest rates of fetal alcohol syndrome, with more than 30 infants born each year with alcohol related impairments.

Nationally, while drug use among teenagers is down, teenage alcohol consumption is increasing. In Alaska, alcohol is associated with a majority of the vehicular deaths of teenagers. In 1990, there were 180 accidents caused by alcohol impaired minors, and these accidents resulted in 6 deaths.

The results of a 1988 report done by the University of Alaska, Anchorage, indicate that 75% of all Alaskan youth in grades 7-12 have tried alcoholic beverages, and alcohol and drug use was a contributing or causal factor in the crimes of 48% of all youth who were detained or placed on probation in Alaska. Another 1990 study indicates that 45% of males and 33% of females of driving age in grades 10-12 have driven after drinking.

Many of these underage drinkers are getting their alcohol through the use of fraudulent driver's licenses. Since 1989, nearly 6,000 fake IDs have been turned over to the Alcohol Beverage Control Board (A.B.C. Board), most of which were fraudulent driver's licenses. I believe it is a safe assumption this number represents only a fraction of the fake IDs in circulation.

Over the interim I worked with Mothers' Against Drunk Driving (MADD), the alcohol industry, the Department of Motor Vehicles, and the A.B.C. Board to address this problem. Together we developed HB 444.

Alaska law already prohibits the use of a fraudulent driver's license or any other fraudulent ID to purchase alcohol, and bans the sale of alcohol to minors. However, the law clearly has not been effective. Most minors don't even know what the penalties are for using a fraudulent ID to purchase alcohol. ★

★ ★

★ ★

Consider that of the nearly 6,000 IDs confiscated since 1989, only 87 cases have been prosecuted, and the average sentence of those convicted has been 20 hours of community service and a \$100 fine.

Clearly, Alaska's underage drinkers don't consider the law a real deterrent.

We can effectively impress upon teenagers and 20-year-olds the grave consequences of using a fraudulent driver's license to go drinking by taking their car keys away. Nothing will get their attention faster.

CSHB 444 (JUD) would require the Department of Motor Vehicles to revoke a person's driving privileges for 90 days when a peace officer determines that person has used a driver's license as fraudulent identification to purchase alcohol. For a second offense, revocation would be for either one year or until the person's 21st birthday, whichever is longer. This would be an administrative action, so revocation would not have to go through the court system. Teenagers and 20-year-olds would see that the penalty is substantial and administered immediately.

In order to ensure due process rights are protected, persons losing their license would have 7 days after receiving notice that their privilege to drive was to be revoked to request an administrative review. During this 7 days their notice of the Department of Motor Vehicles intent to revoke their driving privileges would serve as a temporary license.

CSHB 444 (JUD) would also require that holograms be put on drivers' licenses and State IDs issued by the Department of Public Safety. This would raise the cost of producing a license or State ID from \$0.85 to \$1.10 a piece, but would make it much more difficult for minors to tamper with or make driver's licenses or State IDs.

In addition, the House Judiciary Committee amended the bill so that the phrase "Under 21" is prominently displayed on the license, and Polaroid, the company under contract with the State to provide driver's licenses, has indicated to the Department of Motor Vehicles this can be accomplished at no additional cost.

Lastly, HB 444 would enact minor, but long overdue fee increases for a drivers' license, a duplicate drivers' license, and a State ID.

If enacted, HB 444 should provide an effective deterrence for minors considering using a fraudulent driver's license to purchase alcohol, and go a long way towards alleviating some of the problems associated with alcohol abuse and use by minors.

MEMORANDUM

State of Alaska

DEPARTMENT OF REVENUE

TO: Josh Fink
Legislative Aide To Rep. Dave Choquette
Alaska State Legislature

DATE: February 05, 1992

FILE NO:

TELEPHONE NO: 277-8638

THRU: Patrick L. Sharrock
Director, ABC Board

SUBJECT: Altered/Fake
Driver's License and
Identification card
Cases Investigated
By A.B.C. Staff

FROM: William R. Roche
Enforcement Supervisor

Since we started aggressively pursuing the use of false driver's or identification cards by underage persons in 1989, eighty seven (87) cases have been filed with the District Attorney for prosecution. A review of those cases disclosed that the District Attorney is charging the following violations of Alaska statutes:

A.S. 04.16.049(a)(1) Access of persons under 21 to licensed premises;

A.S. 04.16.060 Purchase by persons under the age of 21;

A.S. 11.46.510 Forgery;

A.S. 11.56.210 Unsworn Falsification;

A.S. 11.16.110 Complicity;

A.S. 11.46.570 Criminal Impersonation;

A.S. 11.56.800 Making a False Report;

A.S. 18.65.310 Identification Cards; and A.S. 28.35.135 Unlawful to knowingly make false statement, application or certification.

The actual charges filed against a specific individual depend on the circumstances surrounding the incident.

During 1991 more than 560 ID cards and drivers licenses were seized by the employers of licensed businesses and turned over to A.B.C. Investigators. During 1989 and 1990 nearly 10 times that number were seized. There has been a decline primarily attributable to aggressive enforcement and cooperation from licensees.

MAILING ADDRESS:
753 West 4th Avenue, Box 621
Anchorage, AK 99501

(907) 258-MADD

BUSINESS ADDRESS
783 West 4th Avenue, Suite 304
Anchorage, AK 99501

February 17, 1992

Representative Choquette
House of Representatives
P.O. Box V
Juneau, Alaska 99811

Re: House Bill 444

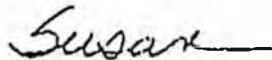
Dear Representative Choquette,

The Anchorage Chapter of MADD supports HB 444. The problem of juveniles using false identification to obtain alcohol and then driving is an on-going one. Making licenses more difficult to alter by adding a holographic symbol is an excellent way to address the problem. The stiff penalties for using a false identification are also critical to keeping juveniles who are likely to drink, off the road.

Its time to start holding juveniles accountable. Taking away their driving privileges will certainly get their attention.

We strongly endorse this legislation.

Sincerely,



Susan Humphrey-Barnett

BRISTOL BAY AREA HEALTH CORPORATION

P.O. BOX 130 • DILLINGHAM, ALASKA 99576

(907) 842-5201 or (907) 842-5202

February 19, 1992

Representative Dave Choquette
P.O. Box V
State Capitol
Juneau, AK 99811

Dear Representative Choquette:

The Bristol Bay Area Health Corporation was given the opportunity to provide input in the draft form of HB 444. In response to your request we would like to be on record in support of this piece of legislation.

Alcohol abuse has been identified by our regional health corporation as the number one community health concern. HB 444 will have the potential for addressing accountability and consequences to underage drinking.

The arduous task of identifying possible solutions in an effort to address this identified health concern are supported wholeheartedly by the BBAHC.

Please feel free to contact Vivian Echavarria, Health Education Director, who would be available to entertain any questions you may have. Her number is 842-9347.

Thank you for your support.

Sincerely,

BRISTOL BAY AREA HEALTH CORPORATION

Christine DeCourtney

Robert J. Clark
Chief Executive Officer

RJC/mm

cc: BBAHC Executive Committee
Christine DeCourtney, Acting C.O.O.
Representative George Jacko
Senator Fred Zharoff
Vivian Echavarria, Health Education



401 K Street Anchorage, Alaska P.O. Box 104839 Anchorage, Alaska 99510
(907) 272-8133 Fax: (907) 277-8640

February 13, 1992

Rep. Dave Choquette
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Representative Choquette:

ARBA members voted unanimously to endorse the passage of House Bill 444 at our general membership meeting last night. We believe that this legislation will help to curb the problems resulting from underage drinking in our society. Our Association has long been concerned with this problem and felt that legislation should be pursued. In the fall of 1991 we held several meetings with the Alaska Wine and Spirits Wholesalers Association and developed a joint position paper, representing the entire beverage alcohol industry in our state. This position paper was published in the Jan.-Feb. issue of TOAST, the statewide industry magazine (copy attached). House Bill 444 addresses several of the points we raised in that document and we appreciate your efforts in developing this legislation.

Other states are acting on this issue; Oregon adopted legislation penalizing underage drinkers with loss of drivers license for one year, a \$500. fine, and/or 100 hours of community service. Also, the underage person can be held liable for any damages the licensee sustains as a result of their attempt to purchase alcohol. On a national level, the White House Office of National Drug Control Policy released a report January 28 proposing a national campaign against underage drinking. The report recommends that states should "... automatically revoke the drivers license of a minor who commits an alcohol related offense or uses false identification to purchase alcohol."

Our Association strongly endorses House Bill 444 and has asked me to express our sincere appreciation to you.

Sincerely,

Carol Wilson
Executive Director

A·W·S·W·A

Alaska Wine and Spirits Wholesalers Association

February 19, 1992

Rep. Dave Choquette
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Choquette:

The members of the Alaska Wine and Spirits Wholesalers Association strongly support your House Bill 444 concerning Alaska Drivers Licenses and the use of Holograms.

Both AWSWA and CHARR are working together with the Alaska Professional Bartending School to produce a training video which will address identifying and dealing with the issue of under 21 purchases.

The Hologram in itself will reduce the number of falsified identification cards, but the key to the long term success of this program is the addition of penalties for persons caught using illegal identification cards.

Please let me know if there is any way we can help you in assuring this important issue. Attached is a copy of our industry position on under 21 alcohol consumption.

Sincerely,
ALASKA WINE AND SPIRITS WHOLESALERS ASSOCIATION



Steve Pedersen
President

SP/km



Tom Fink,
Mayor

Municipality of Anchorage

Municipal Health & Human Services Commission

825 "L" Street

P.O. Box 196650 • Anchorage, Alaska 99519-6650



Telephone:
(907) 343-4674

February 21, 1992

Representative David Choquette
State Capitol
Juneau, AK 99801-1182

FEB 25 1992

Dear Representative Choquette,

The Municipality of Anchorage Health and Human Services Commission has reviewed HB 444 and enthusiastically supports it.

We endorse this measure which would make it more difficult for adolescents to alter the date of birth recorded on their driver's license. It is clear that many adolescents easily obtain liquor by altering and presenting a fraudulent license. The provision allowing the administrative revocation of a drivers license of an adolescent illegally obtaining alcohol would be a major deterrent! Passage of HB 444 will have an immediate impact on reducing fatal motor vehicle accidents among teenagers and young adults which is the leading cause of death among this age group.

The Commission is deeply concerned about the destructive effect of alcohol on our community. If we can provide further support for this bill, please call our staff, Michael Huelsman, at 343-6718.

Sincerely,

Richard Towell, Chair
Municipal Health and Human Services Commission

cc: Helen D. Beirne, Ph.D., Director
Municipality of Anchorage
Department of Health and Human Services

Representative David Choquette
Pouch V (MS 3100)
Juneau, Alaska 99801

Dear Representative Choquette:

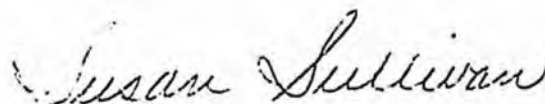
The Parent Teacher Student Association of West Anchorage High School applaud your efforts to deter minors from purchasing alcohol by your introduction of House Bill 444.

Teenagers are becoming increasingly more sophisticated in their efforts to falsify ID's. The incorporation of a holographic symbol onto a driver's license to prevent illegal alteration or duplication would be a major step in helping to eradicate this increasing problem.

The illegal purchase and consumption of alcohol by minors has become a major concern and problem not only in Alaska but nationwide. We concur that the fear of losing their driver's license will cause teenagers to think twice before they use a fake ID to purchase alcohol.

Your ideas and current bills under legislative consideration are a responsible approach and a creative beginning to solving a potentially deadly situation among our young people. You have our support!

Thank you,



Susan Sullivan,
PTSA President
West Anchorage High School
1700 Hillcrest Drive
Anchorage, Alaska 99517

CC: All members Alaska State House
All members Alaska Senate

Pioneer Bar & Liquor Store, Inc.

CHRISTINE M. TENGS
President

141-143 Second Ave.
Post Office Box 190
Haines, Alaska 99827
(907) 766-9101 Business
(907) 766-2474 Office
(907) 766-3374 FAX

March 6, 1992

Representative Dave Choquette
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Representative Choquette:

I would like to go on record as strongly supporting House Bill 444, which would require Alaska State Drivers' Licenses to bear a holographic symbol (making them harder to alter) and would provide penalties for use of false drivers' licenses.

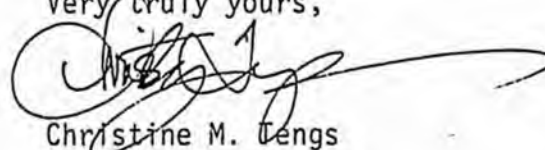
In July of 1990, a young man (6 months short of 21) used a fake I.D. to purchase from our liquor store. A few hours later he totalled his Toyota pick-up and died in the crash. It didn't matter to his parents that he broke the law 9 times that night. It also didn't matter that he had shown 8 of our employees I.D. that met the requirements of Title 4. Nor did it matter that he had oversize tires, wore no seatbelt, had a reputation for speeding and had purchased and consumed alcohol in the presence of his parents. They filed a civil liability suit against us and the Alaskan Liquor Store, where he also bought that night. Across the table from us during his deposition, the young man's father said we were entirely to blame for his son's death.

In January of 1992, we settled the lawsuit for \$37,500. Although we felt we could win the case, this amount was less than half of what it would have cost us to see it through, even with the most favorable results. The total financial cost of over \$120,000 we spent defending ourselves pales next to the emotional toll it took on not just my family and the family of the clerk on duty that night, but on the whole town.

During the course of this lawsuit, I did extensive research on my own in order to save legal fees. I interviewed many of the young man's friends, all of whom were most open and helpful. What I discovered is this: Perfect fake I.D.'s are inexpensive and easy to obtain. Using one is not considered a serious offense, but a rite of passage into adulthood. They haven't a clue that what they're doing has consequences, because up till now, there really haven't been any consequences.

I can't thank you enough for introducing this bill. It's time people started taking responsibility for their own actions. If our youth want to pretend they're adults, let them pay an adult price.

Very truly yours,



Christine M. Tengs



REGAL ALASKAN HOTEL
ANCHORAGE

February 19, 1992

Representative Richard Foster
Chairman, House Transportation Committee
Alaska State Legislature
Fax # 465-3242

Dear Representative Foster,

The Anchorage Restaurant Beverage Association (ARBA) members voted unanimously to endorse passage of House Bill 444 at our general membership meeting last week. Underage drinking is a real problem and we feel that this bill is an important step in trying to control this plague.

I have enclosed a position paper developed in conjunction with the Alaska Wine and Spirits Wholesalers Association. This position paper was published in the January/February issue of TOAST magazine, the Alaska industry publication. House Bill 444 addresses several of the points we raised.

Our association strongly endorses House Bill 444. We appreciate your efforts and hope this bill will proceed forward so it will be a little tougher to buy alcohol if you are underage, as well as pay a stiffer penalty if you are caught.

Sincerely,

Michael C. Neely
President
Alaska Restaurant Beverage Association

sp

Alaska's Beverage Alcohol Industry's Position On Underage Drinking

Much national media attention has been focused recently on the problem of underage drinking in our society. And in our own state of Alaska the press extensively covered the story of two lives taken in a traffic accident last summer which was caused by an underage drinker.

As parents, as citizens, and as involved members of the business community, we are seriously concerned with the impact this problem has on all our lives. The combined membership of the Alaska Wine and Spirits Wholesalers Association and the Alaska Cabaret, Hotel, Restaurant, and Retailers Association (CHARR), representing the beverage alcohol industry, is resolved to be part of the solution to this societal problem.

We wish to be forthright about our point of view as an industry. We advocate the concept of responsible decision making about alcohol use and the responsible use of the product we sell.

Persons under the age of 21 who attempt to purchase or consume alcohol are not making a responsible decision. They fail to consider fully the consequences of such an illegal action. They fail to make responsible use of beverage alcohol. And such irresponsibility has an impact on us all, in some cases, a tragic impact.

While we as an industry cannot provide a total solution, there are some actions we can take that will contribute to it. As we reaffirm our commitment to be responsible purveyors of a regulated product, we also pledge to undertake the following steps:

1. A Public Awareness Campaign

Through graphic point of sale materials we wish to raise the level of public consciousness of the underage drinking issue as well as to send a message to those under 21 seeking to purchase alcohol that we do not want their business. Parents of teenagers need to be reminded of the consequences of illegal use of alcohol. It is not just a case of "rowing wild oats;" the use of alcohol by persons under 21 is breaking the law.

2. Lobbying for Enforcement of Existing Law

The State of Alaska statutes controlling alcoholic beverages are some of the most progressive of all 50 states. But our excellent laws are of little use if there is no enforcement effort. In our state, the Alcohol Beverage Control Board is established as a regulatory agency; enforcement is a function of police agencies. We will demand of our state and local government officials that police agencies be given the necessary direction to enforce the current law. If we as a society are sincere in our expressed concern for underage drinking, then our governmental bodies as our representatives must give this issue priority when providing direction and allocating resources to our police agencies. If we as a society are serious, if we mean what we say about the problem of underage drinking, then the underage drinker must pay a penalty for breaking the law.

3. Lobbying for Improvement of Existing Law

Although our state laws are very progressive, we see two areas where change could significantly affect the underage drinking problem for the better. First, the penalties set for underage drinkers are the traditional fine and/or jail sentence for this

misdeemeanor. We believe that in addition, the courts should have the option of diversionary penalties such as community service and/or court-riding programs. One of the best penalties, we feel, is to delay, suspend, or revoke the driver's license for an alcohol-related violation by a person under 21. This penalty is directed at the underage drinker and can serve as a real deterrent for teenagers.

The second area that requires change concerns the difficulties faced in preventing the use of false IDs. The State of Alaska must take steps to combat this problem by issuing drivers' licenses and identification cards that cannot be altered, duplicated, or counterfeited. Such technology is readily available and is already widely used by banks issuing credit cards. The state of New Jersey currently uses a "latent security image" to eliminate the alteration, duplication, and counterfeiting of drivers' licenses. We believe Alaska should also be a leader in taking this progressive step.

Article XXI of the U.S. Constitution grants states the right to regulate and control distribution and sale of alcoholic beverages. We hope that our efforts will lead our local and state governments to exercise this right, adopting measures to curb underage drinking and lessen its impact on our society.

National Restaurant Association Forecast

—Eating place sales in the state of Alaska are expected to reach \$610.1 million in 1992, up 7.7 percent from 1991.

—Eating place sales in the Pacific region, which includes our state of Alaska plus California, Hawaii, Oregon and Washington are projected to total \$37.5 billion in 1992 — 6.3 percent higher than recorded in 1991.

—Foodservice sales on a national level are expected to reach \$262.0 billion in 1992 — a 5.6 percent increase over 1991. Real sales after adjusting for inflation, are projected to advance 3.8 percent which reflects an anticipated modest improvement in the nation's economy. Eating place sales are projected to grow \$171.0 billion in 1992.

—Food and drink purchases for the foodservice industry are forecast to reach \$92.1 billion in 1992.

State and regional outlook for 1992

The improved but modest economic growth projected for the nation overall should also be seen in the Pacific states which includes our state of Alaska along with the states of California, Hawaii, Oregon and Washington. Economic growth in our region will be aided by such diverse industries as electronics and high technology, aerospace, lumber, agriculture and tourism.

Total regional employment is expected to grow 2.7 percent to 22.7 million persons in 1992, this compares with a lower 2.1 percent increase in national employment. Disposable personal income will advance at a 3.3 percent pace after adjusting for inflation, higher than the national rate of 2.4 percent.



NCADD FACT SHEET: ALCOHOLISM AND ALCOHOL-RELATED PROBLEMS

Alcoholism is a primary, chronic disease with genetic, psychosocial and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. It is characterized by continuous or periodic: impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences and distortions in thinking, most notably denial.¹

THE SOBERING FACTS: AN OVERVIEW

- Despite a decline in per capita consumption of alcohol during the 1980s, overall alcohol-related morbidity did not decline.²
- As many as 10.5 million Americans show signs of alcoholism or alcohol dependence, and another 7.2 million show persistent heavy drinking patterns associated with impaired health and/or social functioning. By 1995 alcohol-dependent adults will number 11.2 million, with the number of persistent heavy drinkers remaining stable.³
- Alcoholism and related problems cost the nation an estimated \$85.8 billion in 1988, \$27.5 billion more than illicit use of other drugs. 39% is attributed to reduced productivity and 33% to mortality losses.⁴
- An alcohol-related family problem strikes one of every four American homes.⁵
- Twin and adoption studies have provided evidence for the genetic transmission of vulnerability to alcoholism.⁵
- An average of 300 people died each day in 1987 from alcohol-related causes—a total of 105,095. Each victim lost 25.9 years of life on the average.⁷
- Fetal alcohol syndrome (FAS) is one of the top three known causes of birth defects with accompanying mental retardation—and the only preventable cause among those three. FAS can be prevented by abstaining from alcohol consumption during pregnancy.⁸ (For more information, see NCADD's Fact Sheet on Alcohol-Related Birth Defects.)
- About a quarter of all hospitalized patients have alcohol-related problems.⁹
- A survey of 1986 deaths found that men who regularly drank two or more drinks a day were nearly twice as likely to die before age 65 than men who drank 12 or fewer drinks a year; their female counterparts were three times as likely to die before age 65.¹⁰
- Alcohol is closely linked to suicide. Among causes of death in alcoholics, an average of 18% are due to suicide. About 21% of suicide victims are alcohol-dependent.¹¹
- Of offenders convicted of violent crimes, 54% of the inmates in one survey had used alcohol just before the offense. Broken down into different crimes, that's 68% of inmates convicted on manslaughter charges, 62% on assault, 49% on murder or attempted murder and 52% on rape or other sexual assault.¹²

CONSUMPTION RATES AND PATTERNS

- Per capita consumption was 2.54 gallons of pure alcohol in 1987, roughly equivalent to 56 gallons of beer, 20 gallons of wine or six gallons of distilled spirits.¹³
- Two thirds of the population drink, but 10% of all drinkers (those who drink most heavily) drink half of all alcohol consumed.¹⁴
- Thirty-five percent of high school seniors have had five or more drinks in a row at least once during the two weeks prior to a national survey.¹⁵ (For more information, see NCADD's Fact Sheet on Youth and Alcohol.)

"GOVERNMENT WARNING: 1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. 2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery and may cause other health problems."

--Warning label required by federal law on beer, wine, hard-liquor and wine-cooler containers, effective November 1990.

ALCOHOL AND ACCIDENTS

- Off the highway, alcohol contributes to about six million non-fatal and 15,000 fatal injuries at home, at play or in public places.¹⁶
- In the workplace, up to 40% of industrial fatalities and 47% of industrial injuries can be linked to alcohol consumption and alcoholism.¹⁷
- Alcohol is closely connected to the four leading causes of accidental death in the US: auto crashes (about half are alcohol-related), falls (17-53%), drownings (38%), and fires and burns (37-64%).¹⁸

Accidents on the road

- Close to half of all fatal highway crashes are alcohol-related; 23,352 people died from alcohol-related crashes in 1988.¹⁹
- Two out of every five people in the US will be in an alcohol-related crash in their lifetime.²⁰
- One of every three truck drivers who died in highway accidents had used alcohol or other drugs.²¹
- In 1988 1.8 million arrests were made for drinking and driving, nearly double the number in 1975.²²

In the air

- In a study of flight performance, pilots were given enough alcohol to produce a BAC of at least .10, then observed 14 hours after their last drink, when they had an undetectable BAC. They showed decreases in precision and accuracy on all variables tested. (Federal rules prohibit flying within eight hours of consuming any alcoholic beverage and while having a BAC of .04 or more).²³

In the water

- Alcohol use was associated with 32-64% of recreational boating deaths in 1983, estimates the National Transportation Safety Board.²⁴

On the tracks

- A study of drinking practices among 234,000 railroad employees found that 44,000 (19%) were problem drinkers. Between 1975 and 1984, alcohol- or drug-impaired employees were implicated in 48 train incidents that resulted in 37 deaths, 80 nonfatal injuries and \$34.2 million in damage.²⁵

SPECIAL POPULATIONS

- Although overall drinking levels were lower among African Americans than among whites in a 1984 study, African American men reported higher rates of drinking-related medical, personal and social problems. Between 1979 and 1981, the incidence of esophageal cancer for 35- to 44-year-old African American males was 10 times that for whites; and cirrhosis deaths are still disproportionately high among African Americans.²⁶
- African American women between the ages of 15 and 34 are six times more likely (and Native American women 36 times more likely) than white women to have cirrhosis of the liver.²⁷ (For more information, see NCADD's Fact Sheet on Alcoholism, Other Drug Addictions and Related Problems Among Women.)
- The 1985 alcoholism mortality rate for American Indians and Alaskan Natives was 26.1 deaths per 100,000 population, four times higher than for the general population.²⁸
- Although Asian Americans are more likely to abstain than members of other racial groups, Asians appear to be drinking more in volume and frequency, according to a 1987 study which cited variables such as specific ethnic group, place of birth and degree of acculturation.²⁹
- Among the general population the 35- to 44-year-old age group accounts for 19% of all alcohol related deaths; among Hispanics the proportion is 31%.³⁰
- An estimated 20-45% of the 3 million Americans who experience some type of homelessness each year have alcohol problems. The homeless are already at high risk of health problems and psychiatric disorders, and alcohol use exacerbates both.³¹

- **Alcohol-related problems in the older population may go undetected and untreated.** Hospital data shows that from 1979 to 1985, those 65 and older who entered the hospital for non-alcohol-related reasons ended up with alcohol-related diagnoses more often than any other age group that entered for non-alcohol-related reasons.³²

ALCOHOL AND OTHER DRUGS

- **Alcohol users—particularly women and younger drinkers—frequently use other drugs.** Close to half (46%) of Alcoholics Anonymous members, up from 38% in 1986, reported addiction to other drugs as well as alcohol.³³
- **Over 90% of all alcoholics are heavy cigarette smokers.**³⁴

TREATMENT

- **Approximately 1.2 million of the estimated 17.7 million Americans with alcohol problems entered alcohol treatment programs.** Of those admissions 77.5% were men, 32% between the ages of 25 and 34, 69.7% white, 17.2% of African origin and 6.4% Hispanic origin.³⁵
- **Successfully treating alcohol problems costs ten times less than the current cost of alcohol problems to society.**³⁶
- **Treatment options are not equally distributed throughout the US.** Differences unrelated to the prevalence of alcohol problems across the states are found in treatment capacity, distribution of care and per capita expenditure of funds. For example, any type of specialty treatment is 11 times more available in Alaska than in West Virginia.³⁷

ALCOHOLIC BEVERAGE INDUSTRY: MARKETING A LEGAL DRUG

- **Consumers spent nearly \$88 billion on alcoholic beverages in 1988—51% on beer, 35% on distilled spirits and 14% on wine.**³⁸
- **In 1989 the alcoholic beverage industry spent \$1.2 billion on advertising, more than that spent by the household equipment and electronic entertainment industries combined.** Also, three of the top 25 spot television advertisers produce beer.³⁹

PUBLIC POLICY RECOMMENDATIONS

- **Drinking and Driving:** Make driving illegal per se at a BAC level of .08 recommends the Surgeon General's Workshop on Drunk Driving. Driving with *any* alcohol concentration presents an increased hazard to the driver and public.⁴⁰
- **Federal Taxes:** Equalize federal excise tax rates by ethanol (pure alcohol) content across all beverages by raising rates for beer and wine to that of distilled spirits, recommends the Surgeon General's Workshop on Drunk Driving. Research shows that if alcohol in beer had been subject to the same state excise taxes as alcohol in distilled spirits, the number of 18- to 20-year-olds killed in motor vehicle crashes from 1975-81 would have been 21% lower.⁴¹
- **Insurance Coverage for Treatment:** The Institute of Medicine recommends that coverage for treatment of alcohol problems be governed by the same principles as coverage for physical problems.⁴²
- **Pregnancy and Addiction:** Shift legislative attention away from punishing and prosecuting pregnant women addicted to alcohol and other drugs, recommend the American Medical Association and the American Academy of Pediatrics. Rather, concentrate on providing these women with the care, treatment and information they need.⁴³
- **Warning Messages:** 74% of adults favor health warnings on ads for alcoholic beverages, according to a Gallup Advertising Age poll. Almost half (42%) felt alcohol advertising should be banned altogether.⁴⁴
- **Youth and Advertising:** The Surgeon General's Workshop on Drunk Driving recommends eliminating alcohol advertising and promotions on college campuses, where a high proportion of the audience is under the legal drinking age.⁴⁵

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WHAT IS NCADD?

NCADD is a national nonprofit organization combating alcoholism, other drug addictions and related problems through its National Office, 200 state and local Affiliates, and thousands of volunteers in communities throughout America. Founded in 1944, NCADD's primary mission is education, prevention and public policy advocacy.

NCADD provides education about alcoholism and other drug addictions as treatable diseases; offers prevention programs for schools, organizations and communities; dispenses medical/scientific information; answers questions from the public, legislative bodies and the media; and distributes a variety of publications. NCADD also offers information and referral services to children, teenagers, and adults seeking help with alcoholism, other drug dependencies, and related problems.

NCADD sponsors Alcohol Awareness Month in April and Alcohol- and Other Drug-Related Birth Defects Awareness Week beginning on Mother's Day each year. People seeking more information about the work of NCADD and/or referral can contact an NCADD Affiliate in their area or use NCADD's national toll-free help line: 1-800-475-HOPE.

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Teen drinking

Here's what we can do

Alaska law bans the sale of alcohol to minors, but anybody can see the law isn't stopping kids from drinking.

Last year Anchorage bars and liquor stores turned more than 500 fake ID cards over to the state Alcoholic Beverage Control Board, and you can bet hundreds more went undetected. Sometimes teen-agers get caught too late, like the drunk 17-year-old who drove his car through a red light and killed two young women.

What more can be done? Anchorage Republican Rep. Dave Choquette has some ideas worth supporting.

Vendors need all the help they can get spotting increasingly sophisticated fake IDs. Rep. Choquette has introduced a bill that would require Alaska driver's licenses to have a holographic symbol in addition to a photo. A common tactic in other states, the hologram shows obvious damage if the plastic coating on the license has been opened to swap pictures or make other changes.

The bill also seeks to deter teens from even trying to buy liquor by making them think twice about the punishment. What gets a teen-ager's attention faster than threatening to take away the car keys? HB 444 would suspend a minor's license for six months the first time he or she is caught trying to buy liquor with a fake ID. Repeat offenders would lose their licenses until their 21st birthday.

Taking away a driver's license is a good way to impress on teen-agers the grave consequences of mixing drinking with driving. But why assume there will be a second offense? Why not suspend the license until age 21 the first time they're caught? This would underscore the message that alcohol doesn't always allow a second chance.

Just ask the parents of the two young women killed in the drunk driving accident.