

HB513

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 6, 1992

FURTHER REFERRALS:

Date of Committee Action: 4/22/92

The FINANCE Committee considered:

HB 513

HOUSE BILL NO. 513

LIMITED DRIVERS' LICENSES

"An Act relating to limitations on a drivers' license; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 513 (HUD) 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 4/2/92

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Mike Savone</i>	✓	<i>E.P. Washburn</i>		✓	
<i>Mark Bopp</i>	X	<i>George Jacobs II</i>		X	
<i>Jan Brown</i>	✓	<i>Angela Barnes</i>		X	
<i>[Signature]</i>	✓	<i>Bob King</i>		X	
<i>John Ulmer</i>	X	<i>Ronald J. Jan</i>		X	
		<i>Bill EC HOO-</i>		✓	

Mike Savone *E.P. Washburn*
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

BILL NO. DRAFT CSHB 513(JUD)

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Public Safety

Title: "An Act relating to limitations on a BRU: Motor Vehicles

drivers' license." Component: Driver Services

Sponsor: Representative Ulmer

Requestor: House Judiciary 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	518.6	440.6	440.6	440.6	440.6	440.6
TRAVEL						
CONTRACTUAL	51.3	23.1	23.1	23.1	23.1	23.1
SUPPLIES	14.0	7.5	7.5	7.5	7.5	7.5
EQUIPMENT	107.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	690.9	471.2	471.2	471.2	471.2	471.2

CAPITAL						
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REVENUE (Prog. Rec.)	900.0	500.0	500.0	500.0	500.0	500.0
FUND SOURCE: 1005						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Prog. Rec.)	690.9	471.2	471.2	471.2	471.2	471.2
FUND SOURCE: 1005						
TOTAL	690.9	471.2	471.2	471.2	471.2	471.2

POSITIONS:

FULL-TIME	13	11	11	11	11	11
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: 4/2/92

Approved by Commissioner: Richard L. Burton

Agency: Department of Public Safety Date: 4/2/92

This fiscal note reflects the changes to the bill contained in the proposed Judiciary Committee substitute. Among other changes, that draft includes an application fee of \$100.00 to be paid by persons who wish to obtain a limited license. These fees are shown as program receipt revenues.

The Division of Motor Vehicles administratively revokes approximately 5,000 driver's licenses yearly for excessive breath alcohol or refusal to submit to a chemical test. This bill permits each person whose license is revoked for DWI or Refusal to apply for a limited license. It also requires a hearing officer to hold an administrative review hearing to determine the eligibility of the applicant and issue the limited license.

Information obtained from the Alaska Public Safety Information Network (APSIN), indicates there are currently approximately 4,000 10-year license revocations, which were based on two or more prior convictions for DWI or Refusal. These 4,000 revocations cover the period from November 1, 1983 through December 30, 1990.

If this bill becomes law, it is anticipated that most of these persons would apply for a limited license. In order to handle the additional 4,000 applications for limited licenses for those individuals who had their license revoked between November 1983 and December 1990, and the additional 5,000 applications a year for limited licenses for those whose license revocation was effective after January 1, 1991, one full-time Driver Improvement Specialist/Hearing Officer; two Clerk IV's; and ten Motor Vehicle Representative III's will be required for FY 93 and eight Motor Vehicle Representatives will be required starting in FY 94. The duties of these positions are detailed in the attached new position requests. The total for personal services is 518.6 in FY 93 and 440.6 in FY 94.

Before a license can be reissued after a revocation, the person must apply for a new license and complete all required tests, including a driving skills test, thus requiring the need for ten Motor Vehicle Representative III positions. These MVR III positions will be located in the following Motor Vehicle Offices: Palmer; Fairbanks; Anchorage; Ketchikan; Kodiak; Soldotna; and Juneau.

Any person who was denied a limited license may request an administrative hearing for reconsideration. It takes up to one hour to process an application for a limited license. This includes the time it takes to conduct an administrative review pertaining to eligibility for the limited license. A thorough record must be maintained, in case a hearing officer's decision is appealed to the Superior Court.

DETAIL

		FY93	FY94
100	PERSONAL SERVICES	518.6	440.6
	1 Driver Imp. Spec. 53.6		
	2 Clerk IV's @ 37.3 = 74.6		
	10 MVR III's @ 39.04 = 390.4		
	8 MVR III's starting 1994		
200	CONTRACTUAL		
	Postage	5.1	5.1
	Telephone System	5.0	0
	Telephone toll charges	6.0	6.0
	Copier Maintenance	1.5	1.5
	Office Space (Lease)	10.5	10.5
	Programming Fees	2.2	
	Terminal ID fees	21.0	
400	SUPPLIES (14 Employees)		
	Routine Office supplies	14.0	7.5
500	EQUIPMENT		
	Controller (32 port, installed)	12.0	0
	14 PC/Terminals, Printers	63.0	0
	4 Desks	2.0	
	10 Work Stations	30.0	
	TOTAL	690.9	471.2

Position Title Driver Improvement Specialist		Number of Positions 1	Range/Step 16-A	Bargaining Unit GGU
Time Status PFT	Staff Months 12 each	Location Juneau	Election District	
Type of Expenditure		Justification		
1	2	3	<p>This position will conduct administrative hearings involving the denial of a limited driver's license. 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 driving record, and handle all correspondence associated with this program.</p>	
Salary*	37.3			
Benefits*	16.3			
Premium Pay (Included in Above)				
Other				
Total Personal Services		53.6		
Travel		0		
Contractual				
Commodities				
Equipment				
Other				
Total Cost				
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005		53.6	
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Motor Vehicles
 COMPONENT Driver Services

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 Revised Date _____

FY 93

Position Title Clerk IV		Number of Positions 2	Range/Step 9(B)	Bargaining Unit GGU
Time Status PFT	Staff Months 12	Location Juneau	Election District	
Type of Expenditure		Amount		
1	2	3		
Salary*	48.6			
Benefits*	26.0			
Premium Pay (Included in Above)				
Other				
Total Personal Services		74.6		
Travel				
Contractual		34.1		
Commodities		14.0		
Equipment		32.0		
Other				
Total Cost		154.7		
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 review of the application for limited license; deny or issue a limited license certificate; prepare file for hearing officer after the person who was denied a limited license requests a reconsideration; enter license action onto the driving record; handle basic correspondence associated with the application process; and close out files for microfilming.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

BRU Motor Vehicles

COMPONENT Driver Services

FY 93

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Revised Date

Position Title Motor Vehicle Representative III			Number of Positions 10	Range/Step 10(B)	Bargaining Unit GGU
Time Status PFT	Staff Months 12		Location Statewide	Election District	
Type of Expenditure			Justification		
1	2	3	These positions will administer road tests and knowledge examinations to all applicants for limited driver's license. They will verify that the applicant has the necessary documentation prior to issuing exams.		
Salary*	260.0		In addition to testing and licensing duties, the MVR III also monitors quality control and error correction these duties.		
Benefits*	130.4				
Premium Pay (Included in Above)					
Other					
Total Personal Services		390.4			
Travel					
Contractual		17.2			
Commodities					
Equipment		75.0			
Other					
Total Cost		482.6			
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.					

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

FY 93

BRU Motor Vehicles

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COMPONENT Driver Services

Revised Date

CS FOR HOUSE BILL NO. 513 (JUDICIARY)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/6/92
 Referred: Finance

Sponsor(s): REPRESENTATIVES ULMER, Boyer, Koponen, Ellis, Larson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to limitations on a drivers' license; imposing a limited license fee; and
 2 providing for an effective date."

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

4 * Section 1. AS 28.15.201(d) is amended to read:

5 (d) A court revoking a driver's license under AS 28.15.181(c), or the department [A
 6 HEARING OFFICER] revoking a driver's license under AS 28.15.165(c), may grant limited
 7 license privileges if (1) the court or the department [HEARING OFFICER] determines that the
 8 person's ability to earn a livelihood would be severely impaired; (2) a limitation under (a) of this
 9 section can be placed on the license that will enable the person to earn a livelihood without
 10 excessive danger to the public; and (3) the court or the department [HEARING OFFICER]
 11 determines that the person has successfully completed an alcoholism education and rehabilitation
 12 treatment program and the cost of the program has been paid. Limited license privileges may
 13 only be granted to the person for the final 60 days during which the license was revoked if the
 14 person has not been previously convicted more than once, for the final two years during which

1 the license was revoked if the person has not been previously convicted more than twice, and for
2 the final five years during which the license was revoked if the person has not been previously
3 convicted more than five times. The court or the department [HEARING OFFICER] may not
4 grant limited license privileges if the person has been previously convicted more than five times.

5 * Sec. 2. AS 28.15.201(e) is repealed and reenacted to read:

6 (e) Notwithstanding (d) of this section, a court revoking a driver's license under
7 AS 28.15.181(c), or the department revoking a driver's license under AS 28.15.165(c), may grant
8 limited license privileges for the period specified under (g) of this section to a person who has
9 been previously convicted if

10 (1) the court or the department determines that the person's ability to earn a
11 livelihood would be severely impaired and a limitation under (a) of this section can be placed
12 on the license that will enable the person to earn a livelihood without excessive danger to the
13 public;

14 (2) the offense for which the license was revoked occurred before January 1,
15 1991; and

16 (3) the court or the department determines that the person has successfully
17 completed an alcoholism education and rehabilitation treatment program and the cost of the
18 program has been paid.

19 * Sec. 3. AS 28.15.201 is amended by adding new subsections to read:

20 (g) If the person qualifies under (e) of this section, a court or the department may grant
21 limited license privileges for the final

22 (1) 60 days during which the license was revoked if the person has been
23 previously convicted once and not more than once;

24 (2) seven years during which the license was revoked if the revocation is for the
25 person's third conviction; or

26 (3) five years during which the license was revoked if the person has been
27 previously convicted three, four, or five times and not more than five times.

28 (h) If a person has been previously convicted and under the provisions of (d) or (e) of
29 this section the person is eligible for more than one period of limited license privileges, the
30 limited license eligibility periods shall be combined and the court or the department may grant
31 limited license privileges for the combined period. A combined period of limited license

1 eligibility may not commence until the accumulated periods of any license revocations have been
2 completed.

3 (i) A person may not apply for a limited license under this section if the person is more
4 than 180 days from being eligible for the limited license.

5 * Sec. 4. AS 28.15.271(b) is amended to read:

6 (b) In addition to the fees under (a) of this section,

7 (1) a person who renews a driver's license by mail shall pay [BE CHARGED]
8 a fee of \$1; and

9 (2) a person who applies for a limited driver's license under AS 28.15.201
10 shall pay a fee of \$100.

11 * Sec. 5. Section 36, ch. 119, SLA 1990, is amended to read:

12 Sec. 36. APPLICABILITY. (a) Except as provided in (b) of this section, the [THE]
13 provisions of this Act apply to judicial proceeding and administrative proceedings by the
14 Department of Public Safety relating to offenses that are committed after December 31, 1990.

15 (b) The limited license provisions contained in AS 28.15.201(d) and (e), enacted in
16 sec. 18 of this Act, apply to judicial proceedings and to administrative proceedings by the
17 Department of Public Safety, relating to offenses that are committed before, on, or after
18 December 31, 1990.

19 * Sec. 6. AS 28.15.201(d) and (e), as amended by secs. 1 and 2 of this Act, and AS 28.15.201(g) -
20 (i), as added by sec. 3 of this Act, apply, according to their terms, to offenses committed before, on, or
21 after the effective date of this Act.

22 * Sec. 7. Sections 1 - 3 and 5 of this Act are retroactive to January 1, 1991.

23 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

April 16, 1992

TO: Rep. Mike Navarre, Co-chair
Rep. Eileen MacLean, Co-chair
House Finance Committee

FROM: Rep. Fran Ulmer

RE: CSHB 513, relating to limitations on drivers' licenses

HB 513 is a technical bill which corrects certain drafting errors made in the revision of DWI statutes passed in 1990 as HB 53. That legislation established the opportunity for persons whose licenses have been revoked as a result of their second, third, fourth, fifth or sixth convictions to be eligible for a limited license and thus "earnback" a portion of the revocation period. The limited license option received overwhelming legislative support and was adopted as a means of encouraging and rewarding persons who have proved themselves to be responsible in effectively addressing their alcohol problems.

Unfortunately, the courts have interpreted the limited license earnback provisions of the prior legislation as applying **only** to convictions occurring after January 1, 1991 and to third convictions occurring prior to January 1, 1991. The intent of the legislature was that limited license earnback provisions should apply equitably to all convictions occurring both before and after the effective date of the bill (January 1, 1991). Because the original legislative intent was not clear to the courts, the clarifications contained in HB 513 are necessary.

HB 513 clarifies the prior legislation regarding DWI statutes in the following ways:

- (1) Clarifies that limited licenses may be granted for second, third, fourth, fifth and sixth convictions occurring before 1/1/91;
- (2) Specifies the allowable limited license periods for which a person may qualify;
- (3) Clarifies that a person who has two or more revocations running consecutively may be eligible for more than one limited license period and that those periods shall be combined;



(4) Establishes a limited license application period during the last 180 days of the combined, adjusted minimum revocation periods;

(5) Establishes a \$100 application fee to cover the cost of processing the application.

In addition, HB 513 includes a provision that the cost of an alcoholism education and rehabilitation treatment program must be paid for prior to receiving a limited license. This provision was included at the request of the Substance Abuse Directors Association in an effort to sustain on-going programs for alcohol rehabilitation. Although this provision is not a clarification of prior legislation, it is consonant with the underlying purpose of that legislation to advance the state's efforts to support sobriety and safe driving practices.

The \$100 application fee more than covers the administrative costs associated with this legislation and results in a net gain to the state.

HB 513 is supported by the Alaska Court System and the Substance Abuse Directors Association.

CSHB 513 (Jud) - Limitations on a Drivers' License

Sectional Analysis

Section 1: AS 28.15.201(d)

Requires that, in addition to other criteria for granting limited license privileges, the cost of an alcoholism education and rehabilitation treatment program must be paid for prior to receiving a limited license.

Section 2: AS 28.15.201(e)

Clarifies that limited licenses may be granted for convictions occurring before 1/1/91.

Section 3: AS 28.15.201 (g)

Sets out the allowable limited license periods for which a person may qualify:*

2nd conviction:	Last 60 days (1 year minimum revocation)
3rd conviction:	(a) Last 7 years for convictions occurring before 1/1/91 (10 year minimum revocation)
	(b) Last 2 years for convictions occurring after 1/1/91 (5 year minimum revocation)
4th conviction:	Last 5 years (10 year minimum revocation)
5th conviction:	Last 5 years (10 year minimum revocation)
6th conviction:	Last 5 years (10 year minimum revocation)
7th conviction:	No limited license available

*Current law establishes the minimum mandatory revocation periods. The court may impose longer revocation periods.

AS 28.15.201 (h)

Clarifies that, if a person is eligible for more than one period of limited license privileges, those periods shall be combined. The limited license period shall begin after the completion of any license revocation period for which a limited license is not allowed, and after completion of the adjusted minimum revocation periods for each offense for which a limited license is allowed.

AS 28.15.201 (i)

Establishes a limited license application period during the last 180 days of the combined, adjusted minimum revocation periods.

Section 4: AS 28.15.271 (b)

Establishes an application fee of \$100 for persons applying for limited licenses.

Section 5: Section 36, ch. 119, SLA 1990

Clarifies that limited license provisions apply to offenses committed before, on, or after December 31, 1990.

Section 6: Clarifies that the act applies to offenses committed before, on, or after the effective date of the act.

Section 7: Makes this act retroactive to January 1,1991.

Section 8: This act takes takes effect immediately.



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, Alaska 99501

(907) 264-8237

February 20, 1992

Representative Fran Ulmer
Rm 421, Capitol
PO Box V
Juneau, AK 99811

Dear Representative Ulmer;

I have reviewed the 2/17/92 version of HB 513. It appears that the primary effect of sections 2-4 of this bill will be to clarify existing law and resolve ambiguities which currently make it difficult to calculate limited license eligibility for third offenders, to determine whether limited license eligibility periods are cumulative, and to reconcile the applicability provision of the 1990 law with the intent of AS 28.15.201.

While sections 2-4 of the bill do not change existing law and are not expected to have a direct fiscal impact on the operations of the court system, those sections should make it easier for judges and magistrates to make appropriate determinations regarding limited licenses. For that reason the court system supports those sections of the bill.

We take no position on section 1, which adds to existing law the requirement that any required alcoholism education and rehabilitation program must be paid for before a limited license can be issued. This section is also expected to have no fiscal impact on the court system.

Thank you for your efforts.

Sincerely,

Janna Stewart
Magistrate Services

cc: Arthur H. Snowden, II

February 10, 1992

The Honorable Fran Ulmer
State House of Representatives
Capitol Building
Juneau, AK 99801

Attn: Dianne Bergstrom

RE: Legislation to clarify intent of HB53, passed last session

The Substance Abuse Directors Association, at their February 5, 1992 meeting, passed a resolution asking that you consider adding the following stipulation to reinstatement of driving privileges to DUI offenders who are mandated into chemical dependency treatment/education:

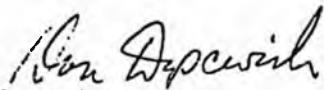
Reinstatement of driving privileges will be contingent upon successful completion and payment for mandated treatment services.

If this legislation were passed, the Alcohol Safety Action Program, which currently monitors treatment for DUI offenders for the court system, would monitor successful completion and payment for services and would report this information to Public Safety for re-issuance of driver's licenses.

The rationale for this concept is that it is important to insure that offenders accept the consequences of their actions. Payment for services is part of the consequence of DUI. In addition, therapy is most effective when clients are paying for service. A considerable bank of research evidence suggests that treatment outcomes improve significantly when services of any kind are linked to cost.

Your sensitivity to chemical dependency issues is appreciated in the treatment community.

Warmest regards,



Don Dapceovich
Secretary
State Substance Abuse Directors Association