

HB 66

(11)

HOUSE COMMITTEE REPORT

Date Referred: March 20, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/1/92

The FINANCE Committee considered:

HB 66

HOUSE BILL NO. 66

REVOCATION OF MINOR'S DRIVERS LICENSE

"An Act relating to revocation of a minor's license to drive."

RECOMMENDATIONS:

be replaced with CS HB 66 (Jud) [] the same title [] a new title

[] have attached amendments(s)

[x] 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)

[x] fiscal impact DOA 4/22/92 DASS 4/28/92

[x] fiscal note(s) PS 3 122/92

[x] zero fiscal note Account 1/30/92

[x] zero fiscal note(s) Law 2/7/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Mike Navarre	✓				
Mary Boyer	X				
Paul Brown	✓				
Robert Kopnick	✓				
Charles Laska	X				
Bob Shau	✓				
Bob Phillips	✓				
Donald Hanson	X				
P. Wynn	X				
EP MacLean	X				

Signature of Mike Navarre (Chairman) and EP MacLean. Text: CHAIRMAN'S SIGNATURE, MAC. LEAN

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 66(JUD)

Revision Date: 4/29/92 Department Affected: Public Safety

Title: An Act relating to revocation BRU: Motor Vehicles

of a minor's license to drive Component: Driver Services

Sponsor: Representative Sharp

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	6.7	6.7	6.7	6.7	6.7	6.7
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	167.4	142.7	142.7	142.7	142.7	142.7

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	135.0	135.0	135.0	135.0	135.0	135.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	32.3	7.7	7.7	7.7	7.7	7.7
FEDERAL FUNDS						
OTHER GF/PRGM FUND SOURCE: 1005	135.0	135.0	135.0	135.0	135.0	135.0
TOTAL	167.4	142.7	142.7	142.7	142.7	142.7

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: Drivers Services Date: 4/29/92

Approved by Commissioner: [Signature] for Richard L. Burton

Agency: Department of Public Safety Date: 4/29/92

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

This bill will require the Division of Motor Vehicles to administratively revoke the driver's license of any juvenile between the ages of 13 and 17 who has consumed or who is in possession of drugs or alcohol, or who has possessed tobacco. The Division of Family and Youth Services (DFYS) reports approximately 1,500 juveniles yearly are referred to their agency by police authorities for alcohol or drug offenses, or are brought in because the juvenile has violated his or her probation by using drugs and/or alcohol. DFYS reports that it hasn't handled any cases involving a minor's possession of tobacco.

In order to handle 1,500 additional license revocations a year, and provide due process for the juvenile, one full-time Driver Improvement Specialist/Hearing Officer, and two full-time Document Processor II's will be required. The duties of these positions are detailed in the attached requests for a new position. The cost for personal services for two Document Processor II positions is 70.1; the cost for a Driver Improvement Specialist is 53.6; 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 takes approximately 20 minutes to one hour to conduct an administrative hearing. Each processing step varies in the time it takes to complete. 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 legal guardian must give consent for the driver's license or permit, 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.

DETAIL

		<u>FY93</u>
100	PERSONAL SERVICES	134.5
	2 Document Processor II 70.1	
	1 Driver Improvement Spec 53.6	
	Overtime MVR III Field Office 10.8	
200	CONTRACTUAL	6.7
	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	167.4

Position title Document Processor II		No. of Positions 2	Range/Step 8-B	Barg. Unit (G:II)
Time Status PPT	Staff Months 12 each	Location Jureau		Election District
Justification				
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.				

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

Page 4 of 5
 Revised Date

FY 93

Position Title Driver Improvement Specialist		No. of Positions 1	Range/Step 16-A	Barg. Unit Civil
Time Status PT	Staff Months 12	Location Juneau		Election District
Justification				
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 Overtime		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.				
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

Page 5 of 5
 Revised Date

FY 93

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 66 (TUD)

Revision Date: April 27, 1992
Title: "An Act relating to revocation of a minor's license to drive."
Sponsor: Representative Sharp
Requestor: Representative Sharp

Department Affected: Department of Law
BRU: Prosecution
Component: Criminal Justice Litigation

COMPONENT SERIAL

		8	9
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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	-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-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Peques

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

Phone: 465-3672
Date: April 27, 1992

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

Date: April 27, 1992

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 66 (JUD)

The Judiciary Committee substitute for HB 66 extends the driver's license revocation penalties, under AS 28.15.185(a), for minors from age 13 years through 18 years to include possession of tobacco under AS 11.76.105. Currently, AS 18.15.185 already prescribes this penalty for a person who is at least 13 years of age but not older than 17 years of age who is adjudicated by a juvenile court of misconduct involving a controlled substance under AS 11.71, or possession or consumption of alcohol under AS 04.16.050.

The bill also sets a minimum mandatory revocation of not less than 30 days, but no more than one year, for a first conviction or adjudication. And the bill sets a mandatory revocation of not less than 90 days, but not more than two years for a second or subsequent conviction or adjudication. The existing penalty is discretionary not to exceed 90 days for a first conviction, and discretionary not to exceed one year for a second subsequent conviction.

Last, the bill establishes a formal administrative revocation process, under proposed AS 28.15.187, allowing the Department of Public Safety to revoke a minor's driver's license administratively, under the circumstances outlined above.

This bill will not have a fiscal impact on the Department of Law, because the number of new license revocations stemming from possession of tobacco, under AS 11.76.105, is not expected to be large. Likewise, the minimum mandatory license revocation period is not unreasonable and this provision should not result in any additional work for our department. Including these penalties in the administrative license revocation process will also have little or no impact.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 66 (Judiciary)

Revision Date: _____
 Title: "An Act relating to revocation of a minor's license to drive."
 Sponsor: Sharp
 Requestor: _____

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency

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, Public Defender
 Division: Public Defender Agency

Phone: 279-7541
 Date: _____

Approved by Commissioner: Nancy Bear Usara
 Agency: Administration

Date: 4/22/92

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. CSHB 66 (Judiciary)

ANALYSIS: (continued)

This bill provides for mandatory driver's license revocation, of minors under 18 who possess tobacco in violation of AS 11.76.105. (This bill previously provided for the driver's license revocation for those who used fraudulent or false identification to purchase alcohol. This section has been eliminated.)

Section 2 provides that the mandatory revocations for possessing tobacco as well as those already existing for misconduct involving a controlled substance or consumption or possession of alcohol are increased for a first offender to 30 days up to one year. and for a second or subsequent offender, 90 days up to two years.

Section 3 provides for an administrative revocation of the minor's license to drive if the juvenile probation officer or a peace officer has probable cause to believe that the person between the age of 13 and 18 possessed tobacco in violation of the statute or possessed or used a controlled substance or possessed or consumed alcohol. Such administrative revocation need only be proven by a sworn statement that the officer had probable cause based on personal observations of the conduct. It also provides for administrative review at such a revocation, with a preponderance of the evidence standard.

It is difficult to determine to what extent additional lawyers and jury trials will be necessary if this bill becomes law. Law enforcement, probation and juvenile in-take, as well as the prosecutor will determine the level of enforcement. There likely will be some resultant increase in the workload of the Public Defender Agency.

Over time, the fiscal impact may become significant. Driving has become almost a necessity in this society. This is particularly true in Alaska given the lack of public transportation, extreme weather conditions, and urban sprawl. People who have their driver's license suspended often continue to drive. A number of these people will subsequently be charged for driving with license suspended, a serious misdemeanor offense with penalties including jail time, fines and further license revocations. The end result will be even more public defender cases, increased jury trials and other court proceedings. Without meaningful statistics regarding the number of cases which may be affected by the broader application of license revocation penalties, quantifying the fiscal impact is impossible.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 66 (JUD)

Revision Date: _____

Department Affected: Administration

Title: An Act relating to revocation of a minor's license to drive

BRU: Office of Public Advocacy

Component: Office of Public Advocacy

Sponsor: Sharp

Requestor: House Finance

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: _____

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 4/22/92

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. CSHB 66 (Judiciary)

Revision Date February 6, 1992 Dept. Affected Health and Social Services
 Title: "An act relating to revocation of a minor's license to drive" BRU: Family and Youth Services
 Component: SCRO, NRO, SERO
 Sponsor: Representative Sharp
 Requestor: Representative Sharp COMPONENT SERIAL NO. 0254 0255 0258

Expenditures/Revenues (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
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						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: **NONE**

ANALYSIS: (Attach a separate page if necessary)

This bill will have a minor administrative impact on the Department of Health and Social Services. It will require that an administrative referral process be incorporated into the already-existing intake screening system to assure those affected minors under the bill are properly referred to the Department of Public Safety for administrative revocation of their driver's license.

Prepared by: Deborah R. Wing, Director
 Division: Family and Youth Services
 Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health and Social Services

Phone: 465-3191
 Date: April 28, 1992
 Date: 4/28/92

Distribution (by preparer):
 Legislative Finance OMB
 Legislative Sponsor Impacted Agency(ies)
 Requestor

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill No. CSHB 68

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to revocation of BRU: Trial Courts
a minor's license to drive Components: _____
 Sponsor: Sharp
 Requestor: _____ COMPONENT SERIAL NO. 000 | 000 | 000 | 768

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Division: Alaska Court System Date: 01/30/92
 Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 01/30/92
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CS FOR HOUSE BILL NO. 66 (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 SHARP, Taylor, Koponen, Zawacki, Barnes, Leman, M.A.Miller, G.Phillips,
 Larson, Hudson, Baker

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of a minor's license to drive."

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

3 * Section 1. AS 28.15.185(a) is amended to read:

4 (a) The court shall revoke the driver's license, privilege to drive, or privilege to
 5 obtain a license of a [A] person who is at least 13 years of age but not yet 18 [OLDER THAN
 6 17] years of age who is adjudicated by a juvenile court of misconduct involving a controlled
 7 substance under AS 11.71, [possession of tobacco under AS 11.76.105.] or possession or
 8 consumption of alcohol under AS 04.16.050 [IS SUBJECT TO REVOCATION OF THE
 9 PERSON'S DRIVER'S LICENSE UNDER (b) OF THIS SECTION].

10 * Sec. 2. AS 28.15.185(b) is amended to read:

11 (b) The court shall impose the revocation for an offense described in (a) of this section
 12 as follows:

13 (1) for a first conviction or adjudication, the revocation shall [MAY] be for a
 14 period of not less than 30 [TO EXCEED 90] days, but not more than one year;

1 (2) for a second or subsequent conviction or adjudication, the revocation shall
2 [MAY] be for a period of not less than 90 days but not more than two years [TO EXCEED
3 ONE YEAR].

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

5 Sec. 28.15.187. ADMINISTRATIVE REVOCATION OF A MINOR'S LICENSE TO
6 DRIVE. (a) If a juvenile probation officer or a peace officer has probable cause based on
7 personal observation that a person who is at least 13 years of age but not yet 18 years of age has
8 possessed or used a controlled substance in violation of AS 11.71, possessed tobacco in violation
9 of AS 11.76.105, or possessed or consumed alcohol in violation of AS 04.16.050, the juvenile
10 probation officer or peace officer shall read a notice and deliver a copy to the person. The notice
11 must advise that

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

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

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

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

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

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

31 (1) that the officer had probable cause based on personal observations that the

1 person is at least 13 years of age but not yet 18 years of age and has possessed or used a
2 controlled substance in violation of AS 11.71, possessed tobacco in violation of AS 11.76.105,
3 or possessed or consumed alcohol in violation of AS 04.16.050;

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

5 (3) describing the circumstances surrounding the violation of the controlled
6 substances provisions of AS 11.71, the possession of tobacco provisions of AS 11.76.105, or the
7 alcoholic beverages provisions of AS 04.16.050.

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

9 (1) for a first revocation, for a period of 30 days; or

10 (2) for a second or subsequent revocation, for a period of 60 days.

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

14 (f) A license revocation imposed under this section shall be consecutive to a license
15 revocation imposed under another provision of law, except that a license revocation imposed
16 under this section shall be concurrent with a license revocation imposed under AS 28.15.185 that
17 is based on the same incident.

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

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

1 (c) Upon receipt of a request for review, if it appears that the person holds a valid
2 driver's license and that the driver's license has been surrendered, the department shall issue a
3 temporary driver's permit that is valid until the scheduled date for the review. A person who has
4 requested a review under this section may request, and the department may grant for good cause,
5 a delay in the date of the hearing. If necessary, the department may issue additional temporary
6 permits to stay the effective date of its action under AS 28.15.187(c) until the final order after
7 the review is issued.

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

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

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

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

24 (g) The hearing for review of a revocation by the department under AS 28.15.187 shall
25 be limited to the issues of whether the person was at least 13 years of age but not yet 18 years
26 of age and whether the person

- 27 (1) possessed or used a controlled substance in violation of AS 11.71;
28 (2) possessed tobacco in violation of AS 11.76.105; or]
29 (3) possessed or consumed alcohol in violation of AS 04.16.050.

30 (h) The determination of the hearing officer may be based upon the sworn report of a
31 juvenile probation officer or peace officer, if the sworn report is supported by probable cause

1 based on personal observations as required under AS 18.15.187(a). The juvenile probation officer
2 or peace officer need not be present at the hearing unless either the person requesting the hearing
3 or the hearing officer requests in writing before the hearing that the officer be present. If in the
4 course of the hearing it becomes apparent that the testimony of the juvenile probation officer or
5 peace officer is necessary to enable the hearing officer to resolve disputed issues of fact, the
6 hearing shall be continued to allow the attendance of the juvenile probation officer or peace
7 officer.

8 (i) Upon written request of the person requesting the hearing, the hearing officer shall
9 stay the hearing until the conclusion of related criminal proceedings. If the person requesting
10 the hearing does not request a stay, testimony given by the person at the hearing is admissible
11 against the person in a criminal trial.

12 (j) If the issues set out in (g) of this section are determined in the affirmative by a
13 preponderance of the evidence, the hearing officer shall sustain the action of the department. If
14 one or more of the issues is determined in the negative, the department's revocation action shall
15 be rescinded.

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

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

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

Alaska State Legislature

REPRESENTATIVE
BERT SHARP

DISTRICT 20

MEMBER
FINANCE COMMITTEE

FINANCE SUBCOMMITTEES:
GOVERNOR
FISH AND GAME
LABOR



FAIRBANKS
119 N. CUSHMAN
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SESSION ADDRESS
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3004/3018

House of Representatives

SPONSOR STATEMENT, HB66
Representative Bert Sharp
March 23, 1992

Early last year I introduced HB66. It cannot be stressed enough that usage of alcohol or controlled substances causes a reduction of mental and physical capabilities, and thereby severely impairs one's ability to drive in a responsible manner. HB66 would provide the Division of Youth & Family Services and the Department of Public Safety with a tool to help discourage youth from starting the dangerous and sometimes fatal association of controlled substances and alcohol with driving.

Under existing law, a youth arrested on a controlled substance or alcohol related offense (other than DWI) is automatically referred to the Division of Family & Youth Services. The Division then either refers the minor to court for adjudication, or makes an in-house recommendation for treatment, but cannot impose any penalty. If the minor is referred to court, existing law provides that the court imposed revocation may not exceed 90 days for a first offense. Last year upwards of 4,000 juveniles were involved in liquor or controlled substance offenses in Alaska and less than a dozen resulted in driver's license suspension. Clearly, the current law is not working.



REPRESENTING
GOLDEN HEART
OF ALASKA

CSHB66 would authorize the mandatory administrative revocation of a minor's driving privilege or permit for any liquor or controlled substance infraction. The revocation period is set at 30 days for a first offense and 60 days for a second or subsequent offense. If DFYS refers the minor to court for adjudication, the bill provides for a mandatory revocation by the court for not less than 30 days for a first offense and not less than 90 days for subsequent offenses.

Many states have enacted legislation similar to HB66 in an effort to provide teenagers with a powerful reason not to use alcohol or controlled substances through the use of driver's license revocation.

I feel this bill will be effective for two reasons: 1) it allows for an immediate consequence to unlawful behavior in a cost effective manner; and 2) it gives youth a reason to say "no" which is acceptable to their peers, while providing positive reinforcement to drug-free teenagers by maintaining their eligibility to drive.

I strongly feel this legislation offers reasonable and workable options. Most importantly, it places responsibility on the youth -- it is, after all, their choice.

Alaska State Legislature

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WHILE IN JUNEAU

PO BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3004 / 3018

House of Representatives

RE: CS HB 66
FROM: Representative Bert Sharp
DATE: April 2, 1991
SUBJ: Statistical information provided by Dick Illias, Youth
Corrections Administrator:

Number of minors referred to DFYS, FY90 (all referrals)	6,539
Number of minors taken to court, FY90	1,159
Number of court cases dismissed	123
Number of license revocations since 1988	12



REPRESENTING
GOLDEN HEART
OF ALASKA



Alaska Cabaret, Hotel,
Restaurant & Retailers Association

P.O. Box 104839 • Anchorage, Alaska 99510
~~225 Central Building B, Suite 425 • (907) 272-3133~~
401 K St,

January 31, 1991

Gloria Hartzmann
Rep. Bert Sharp's Office
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Gloria,

As you will see from the reams of material that I have enclosed, our primary interest is in the imposition of reasonable penalties (suspension of driver's license) for minors who attempt to purchase alcohol with the use of false identification. Absolutely nothing seems to happen to these "kids" who are after all, breaking the law.

While House Bill 66 does not specifically address this concern of ours, we applaud Rep. Sharp for his stand to apply a reasonable penalty to 13 to 18 year olds who break the law. A driver's license is a precious thing to a teenager and this is a penalty that will matter to them, while at the same time not cause a burden on the corrections system. Too often, if a case even gets before a judge, he is reluctant to sentence a minor to jail time. This is a reasonable penalty for minors who break the law and we support the passage of HB 66.

If I can be of any assistance, please do not hesitate to call.

Sincerely,

Carol Wilson
Executive Director

102255 2000-005



ALASKA STATE MEDICAL ASSOCIATION

4107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2662

July 26, 1991


The Honorable Bert M. Sharp
Alaska State House of Representatives
1015 3rd Avenue
Fairbanks, AK 99701

Dear Representative Sharp:

We applaud your efforts this past legislative session for the introducing House Bill No. 66 "An Act relating to revocation of a minor's license to drive."

In April, at our annual meeting, the Alaska State Medical Association adopted Resolution 91-14 that addresses the same subject. If we can assist your efforts with this legislation, please do not hesitate to contact us.

Sincerely,


Ray Schälöw
Executive Director

Alaska State Medical Association

4107 Laurel Street Anchorage, Alaska 99508 (907) 562-2662 (Fax) 561-2063

Adopted at the Alaska State Medical Association
Annual Meeting Held in Juneau, Alaska
April 27, 1991

RESOLUTION: 91-14

SUBJECT: Mandatory Drivers License Revocation for Minors DUI

WHEREAS driving under the influence is one of the leading causes of preventable death and disability in our society in general, and

WHEREAS driving under the influence is the leading cause of preventable death and disability among adolescents, and

WHEREAS the majority of drivers killed in automobile accidents are legally under the influence of alcohol, and

WHEREAS purchase, possession and consumption of intoxicating substances, including alcohol, is already illegal for those under age 21, and

WHEREAS patterns of behavior learned in adolescence often carry over into adult life, and

WHEREAS driving a motorized vehicle is a privilege rather than a right, therefore be it

RESOLVED that the Alaska State Medical Association call upon the legislature to pass and the governor to sign into law a mandatory one year revocation of the license to drive for any minor convicted of driving under the influence, and a mandatory revocation for two years or until age 21, whichever comes last, for a second conviction of a minor driving under the influence.

Distribution:

US Department of Health and Human Services
Alaska State Department of Health and Social Services
American Medical Association
Governor Hickel
Alaska State Legislators
Alaska State Troopers
Mothers Against Drunk Driving
Newspapers

Gigi Pilcher
Box 6552
Ketchikan Ak 99901

November 27, 1991

Representative Bert Sharp
119 N. Cushman
Fairbanks, AK 99701

Dear Representative Sharp,

I am responding to your recent letter dated November 22, 1991 regarding HB 66.

After reviewing the proposed bill, I would like to voice my strong support of this legislation. I have a few suggestions which may or may not be feasible and they are as follows:

1) Mandatory attendance by violators to a series of classes on the damaging effects of substance abuse to society.

2) Require violators to pay for the cost of the classes. (These classes are currently required for adults convicted of DWI in Ketchikan.)

3) Drivers license will remain revoked until class attendance is completed.

4) Drivers license be revoked immediately upon violation (no two or three week waiting period).

5) Educate all parents/legal guardians of teen drivers that the parents/guardians have the right to have their child's license revoked at any time. This could be done by having the parent/guardian informed of their rights when they sign for permission when their child applies for their initial license.

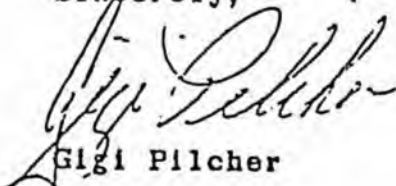
My only comment is that I think the period of revocation is too short.

As the parent of 6 children, ages 2 to 15, I am very concerned about the problem of mixing substances (alcohol and drugs) and driving. Two of my children have their permits and I have stressed to them that a permit and license is a privilege, not a right, and that if I as their parent felt they had abused the privilege that I would have their permit/license revoked.

Therefore, I am very much in favor of the passage of HB 66 and will be happy to assist you in any way to get it passed.

Thank you for sponsoring this bill, passage of it will be a positive measure for all Alaskans.

Sincerely,



Gigi Pilcher