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HOUSE COMMITTEE REPORT

(7) Date Referred: February 18, 1992 FURTHER REFERRALS: Finance

Date of Committee Action: 4-3-92

The JUDICIARY 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: the same title
 be replaced with CS HB 513 (JUD) 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) Public Safety APPROVES PREVIOUS: (Dept/Date)
 fiscal impact Public Safety fiscal note(s) _____
 zero fiscal note _____ zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>St. Ellis</i>					
<i>McShunberg</i>	-	<i>Kevin Pat Parnell</i>		✓	
		<i>Mike Miller</i>		✓	
		<i>Terry Martin</i>		✓	
		<i>Mark Stanley</i>		X	

McShunberg

 V. CHAIRMAN'S SIGNATURE

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. DRAFT CSHB 513(JUD)

Revision Date: _____ Department Affected: Public Safety
 Title: "An Act relating to limitations on a drivers' license." BRU: Motor Vehicles
 Component: Driver Services
 Sponsor: Representative Ulmer
 Requestor: House Judiciary COMPONENT SERIAL NO.

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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.) FUND SOURCE: 1005	900.0	500.0	500.0	500.0	500.0	500.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Prog. Rec.) FUND SOURCE: 1005	690.9	471.2	471.2	471.2	471.2	471.2
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			
Amount		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.			
1	2				3
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		Justification		
1	2	3	<p>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.</p>	
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.				

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

BRU Motor Vehicles

COMPONENT Driver Services

FY 93

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Revised Date

Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

February 25, 1992

TO: Rep. Dave Denley, Chair
House Judiciary Committee

FROM: Rep. Fran Ulmer

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

Enclosed is the committee packet for HB 513 which I am sending in anticipation of the bill being scheduled before the Judiciary Committee. You will note that I have included a letter of endorsement from the Court System which states that HB 513 will make it easier for judges and magistrates to make appropriate determinations regarding limited licenses. Since all of the policy issues were disposed of when the original drunk driving legislation (HB 53) passed in 1990, HB 513 should raise no new areas of discussion. HB 513 corrects certain drafting errors of that earlier legislation.

I would greatly appreciate your scheduling HB 513 at the committee's earliest convenience.



Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

February 25, 1992

TO: Rep. Dave Donley, Chair
House Judiciary Committee

FROM: Rep. Fran Ulmer

RE: HB 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.



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.

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

HB 513 - 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: Section 36, ch. 119, SLA 1990

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

Section 5: Clarifies that the act applies to offenses committed before, on, or after the effective date of the act.

Section 6: Makes this act retroactive to January 1,1991.

Section 7: 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,

A handwritten signature in cursive script that reads "Janna Stewart".

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

B. DETERMINING LIMITED LICENSE AVAILABILITY PERIODS

Below are examples of how the legislature intended sections (d) and (e) of AS 28.15.201 to apply to offenders who were charged and sentenced under the old law (prior to January 1, 1991). (Calculations for offenders who are charged and sentenced under the new law are identical except that AS 28.15.201(e) does not apply.)

1st Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days

AS 28.15.201(d) provides limited license availability for the first offense. The offender must complete the mandatory period of complete revocation - 30 days - before requesting a limited license.

Note that AS 28.15.201 describes the limited license availability periods as "the final 60 days", "the final two years", "the final five years", and "the final seven years" of the license revocation. The "mandatory period of complete revocation" is the length of time which must elapse before the limited license availability period begins. For example, for first-time offenders the mandatory revocation period is 90 days. The limited license availability period is the final 60 days. Thus the mandatory period of complete revocation is 30 days (90 days minus 60 days.)

(Reminder: For first offenses only, the period of limited license availability is the same under the new law as under the old law.)

2nd Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days

AS 28.15.201(d) provides limited license availability for the first and second offenses.

The two-time offender must complete the mandatory period of complete revocation for both offenses - 30 days plus 305 days, for a total of 335 days - before requesting a limited license.

3rd Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years

AS 28.15.201(d) provides limited license availability for the first and second offenses. AS 28.15.201(e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The three-time offender must complete the mandatory period of complete revocation for all offenses - 30 days plus 305 days plus 3 years, for a total of 3 years and 335 days - before requesting a limited license.

4th Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years
4th	10 years	final 5 years	5 years

AS 28.15.201(d) provides limited license availability for the first, second, and fourth offenses. AS 28.15.201(e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The four-time offender must complete the mandatory period of complete revocation for all offenses - 30 days plus 305 days plus 3 years plus 5 years, for a total of 8 years and 335 days - before requesting a limited license.

5th Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years
4th	10 years	final 5 years	5 years
5th	10 years	final 5 years	5 years

AS 28.15.201(d) provides limited license availability for the first, second, fourth, and fifth offenses. AS 28.15.201(e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The five-time offender must complete the mandatory period of complete revocation for all offenses - 30 days plus 305 days plus 3 years plus 5 years plus 5 years, for a total of 13 years and 335 days - before requesting a limited license.

6th Offense

<u>Offense</u>	<u>License Revocation</u>	<u>Limited License Availability</u>	<u>Mandatory Period of Complete Revocation</u>
1st	90 days	final 60 days	30 days
2nd	1 year	final 60 days	305 days
3rd	10 years	final 7 years	3 years
4th	10 years	final 5 years	5 years
5th	10 years	final 5 years	5 years
6th	10 years	final 5 years	5 years

AS 28.15.201(d) provides limited license availability for the first, second, fourth, fifth, and sixth offenses. AS 28.15.201 (e) provides a special period of limited license availability for third offenses under the old law (which resulted in 10 year license revocations).

The six-time offender must complete the mandatory period of complete license revocation for all offenses - 30 days plus 305 days plus 3 years plus 5 years plus 5 years plus 5 years, for a total of 18 years and 335 days - before requesting a limited license.

7th Offense

Seven-time offenders are not allowed limited licenses under AS 28.15.201. They must complete the complete period of revocation for all offenses.