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HOUSE COMMITTEE REPORT

(7)

Date Referred: January 23, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: _____

The TRANSPORTATION 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 (Trans)

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) _____

zero fiscal note Dept of Law

zero fiscal note(s) _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

| | Check appropriate column: | Do Not | No Rec | Amend |
|--------------------|---------------------------|--------|-------------------|-------|
| | | Pass | | |
| <i>[Signature]</i> | | | <i>[initials]</i> | |
| <i>[Signature]</i> | | | | |
| <i>[Signature]</i> | | | | |
| <i>[Signature]</i> | | | | |
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[Signature]
Chairman's Signature

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill No. HB 66

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 *C. S. Christensen III* Phone: 264-8228
 Division: Alaska Court System Date: 01/30/92

Approved by: Arthur H. Snowden, II, Administrative Director *A. H. Snowden II* Date: 01/30/92
 Agency: Alaska Court System

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

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 66

Revision Date: _____ 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 Transportation COMPONENT SERIAL NO.

| | | | |
|--|---|---|---|
| | 5 | 0 | 0 |
|--|---|---|---|

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 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|-------------------------|-------|-------|-------|-------|-------|-------|
| REVENUE FUND SOURCE: | 135.0 | 135.0 | 135.0 | 135.0 | 135.0 | 135.0 |
|-------------------------|-------|-------|-------|-------|-------|-------|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| GENERAL FUND | 32.3 | 7.6 | 7.6 | 7.6 | 7.6 | 7.6 |
| 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: 1/23/92
 Approved by Commissioner: *Richard L. Burton* Richard L. Burton
 Agency: Department of Public Safety Date: 1/24/92

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. The Division of Family and Youth Services report approximately 1,500 juveniles yearly are referred to their agency by police authorities for alcohol or drug offenses of are brought in because the juvenile has violated his or her probation by using drugs and/or alcohol.

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 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

Page 4 of 5
 Revised Date

FY 93

| | | | | |
|---|--------------------|---------------------------|--------------------|--------------------|
| Position Title Driver Improvement Specialist | | No. of Positions 1 | Range/Step 16-A | Barg. Unit GGII |
| Time Status PET | 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

(Work Draft)
BILL NO. CSHB 66 ()
Dated 11/14/91

Revision Date: _____ Department Affected: Department of Law
Title: "An Act relating to revocation of a minor's license to drive." BRU: Prosecution
Component: Criminal Justice Litigation
Sponsor: Representative Sharp
Requestor: Representative Sharp COMPONENT SERIAL NO.

| | | | |
|--|--|---|---|
| | | 8 | 9 |
|--|--|---|---|

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 | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|----------------------|--|--|--|--|--|--|

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. Pegues

Prepared By: Richard I. Pegues, Director Phone: 465-3677
Division: Administrative Services Date: December 20, 1991
Approved by Commissioner: Richard I. Pegues / For
Charles E. Cole, Attorney General
Agency: Department of Law Date: December 20, 1991

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 66 (Work Draft)
(dated 11/14/91)

The 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 17 years to include using fraudulent or false identification to enter a licensed premises where alcoholic beverages are sold for the purposes of obtaining alcoholic beverages contrary to law. Currently, AS 28.15.185 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 30 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 most significant change is to include use of a fraudulent or false identification to obtain alcoholic beverages unlawfully. Likewise, the minimum mandatory license revocation period is not unreasonable and should not result in any additional work. Including these penalties in the administrative license revocation process will also have little or no impact.

SECTIONAL ANALYSIS
CS HB 66

January 24, 1992

Sec. 1. Revises current law to make it mandatory for the court to revoke the driver's license of a minor adjudicated of misconduct involving a controlled substance, or an alcohol offense, or use of false ID.

Sec. 2. Stiffens the court imposed revocations by making the first offense mandatory for not less than 30 but not more than one year, and the second offense mandatory for not less than 30 days but not more than two years.

Sec. 3. Creates a new section which creates an administrative revocation process (identical to the administrative revocation process for DWI offenders). Probation or peace officers, upon making a determination that a minor has violated the law, shall give notice to the minor that the Department of Public Safety will revoke their driving privileges, and outlines the administrative review process.

Sec. 4. Effective date.



*Alaska Cabaret, Hotel,
Restaurant & Retailers Association*

P.O. Box 104830 • Anchorage, Alaska 99510
~~225 Cordova Building B, Anchorage • (907) 272-8133~~
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

CORRESPONDENCE



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 Schalow
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.

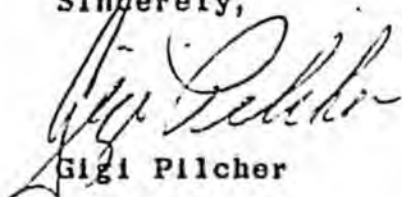
My only comment is that I think the period of revocation is too short.

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



House Transportation Committee

DATE: 2/6/92

PLACE: 17

SUBJECT OF MEETING:
 HB 399
 HB 66
 HB 341

| NAME | REPRESENTING | BUSINESS/PERSONAL MAILING ADDRESS | ZIP | (H) PHONE | (W) PHONE | DO YOU WANT TO TESTIFY? | | WHAT SUBJECT/ WHICH BILL? |
|-----------------|------------------|-----------------------------------|-----|-----------|-----------|----------------------------------|---|---------------------------|
| DIANE MAYER | DCE D | | | | 465-2017 | <input checked="" type="radio"/> | N | CSHB 399 |
| John Shepherd | Rep. Mary Miller | | | | 465-2199 | <input checked="" type="radio"/> | N | CS HB 66 |
| Rep. Bert Sharp | Self | | | | | <input checked="" type="radio"/> | N | CS HB 66 |
| Scott Burgess | AML | | | | 6-1325 | <input checked="" type="radio"/> | N | HB 399 |
| | | | | | | <input type="radio"/> | N | |
| | | | | | | <input type="radio"/> | N | |
| | | | | | | <input type="radio"/> | N | |
| | | | | | | <input type="radio"/> | N | |
| | | | | | | <input type="radio"/> | N | |
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