

SB

6

Amendment
CS SBL6 (CRA)

Insert:

- * Sec. 3. AS 28.01.010 is amended by adding a new subsection to read:
 - (h) A municipality may not
 - (1) issue a citation for a traffic offense unless the citation complies with the provisions of AS 12.25.200; or
 - (2) enact a parking citation trial or appeal process unless the trial or appeal process and fees charged for it are substantially similar to the applicable trial or appeal process adopted by the Alaska Supreme Court or imposed by law

Amendment
CS SB 6 (CRA)

Insert:

* Sec. 3. AS 28.01.010 is amended by adding a new subsection to read:

(h) A municipality may not

(1) issue a citation for a traffic offense unless the citation complies with the provisions of AS 12.25.200; or

(2) enact a parking citation trial or appeal process unless the trial or appeal process and fees charged for it are substantially similar to the applicable trial or appeal process adopted by the Alaska Supreme Court or imposed by law; or

(3) issue a citation for a traffic offense unless the citation is issued by a peace officer; this paragraph does not apply to a citation issued for a municipal traffic offense if the

(A) municipality has established a scheduled amount of bail for the offense as provided under AS 28.05.151(a);

(B) municipal traffic offense is also punishable as a traffic offense under state statute or regulation; and

(C) fine imposed for the municipal traffic offense is not more than one-half of the fine imposed for the same traffic offense under the bail schedule established by the supreme court under AS 28.05.151(a).

Amendment
CS SB 6 (CRA)

#1

Insert:

* Sec. 3. AS 28.01.010 is amended by adding a new subsection to read:

(h) A municipality may not

(1) issue a citation for a traffic offense unless the citation complies with the provisions of AS 12.25.200; or

(2) enact a parking citation trial or appeal process unless the trial or appeal process and fees charged for it are substantially similar to the applicable trial or appeal process adopted by the Alaska Supreme Court or imposed by law; or

(3) issue a citation for a traffic offense unless the citation is issued by a peace officer; this paragraph does not apply to a citation issued for a municipal traffic offense if the

(A) municipality has established a scheduled amount of bail for the offense as provided under AS 28.05.151(a);

(B) municipal traffic offense is also punishable as a traffic offense under state statute or regulation; and

(C) fine imposed for the municipal traffic offense is not more than one-half of the fine imposed for the same traffic offense under the bail schedule established by the supreme court under AS 28.05.151(a).

Amendment
CS SB6 (CRA)

Insert:

* Sec. 3. AS 28.01.010 is amended by adding a new subsection to read:

(h) A municipality may not

(1) issue a citation for a traffic offense unless the citation complies with the provisions of AS 12.25.200; or

(2) enact a parking citation trial or appeal process unless the trial or appeal process and fees charged for it are substantially similar to the applicable trial or appeal process adopted by the Alaska Supreme Court or imposed by law

Amendment
CS SB 6 (CRA)

#1

Insert:

* Sec. 3. AS 28.01.010 is amended by adding a new subsection to read:

(h) A municipality may not

(1) issue a citation for a traffic offense unless the citation complies with the provisions of AS 12.25.200; or

(2) enact a parking citation trial or appeal process unless the trial or appeal process and fees charged for it are substantially similar to the applicable trial or appeal process adopted by the Alaska Supreme Court or imposed by law; or

(3) issue a citation for a traffic offense unless the citation is issued by a peace officer; this paragraph does not apply to a citation issued for a municipal traffic offense if the

(A) municipality has established a scheduled amount of bail for the offense as provided under AS 28.05.151(a);

(B) municipal traffic offense is also punishable as a traffic offense under state statute or regulation; and

(C) fine imposed for the municipal traffic offense is not more than one-half of the fine imposed for the same traffic offense under the bail schedule established by the supreme court under AS 28.05.151(a).

MEMO

To: Rep. Brian Porter, Chair

From: Anne Carpeneti *ACC*
Staff Counsel

Subject: HCS SB 6 (CRA) - Operator's License Forfeiture for
Failure to Pay Fines or Appear in Court
Scheduled for May 3, 1995 meeting

Date: May 3, 1995

This bill provides for discretionary suspension of an operator's license, privilege to drive or obtain a license for failure to pay a traffic fine or to appear in court for a traffic offense. At this point the bill only addresses citations for moving violations. It also provides for discretionary attachment of the permanent fund to pay the fine and the court and collection costs.

The citation given the driver must notify the driver of the possibility of the two results.

I assume Public Safety will testify on the bill; it will be interesting to hear their position. It seems the administrative burden of administering the suspension might be heavy. Perhaps the plan is to only deal with the worst offenders.

I have heard that the bill has changed dramatically as it moved through the legislature. At one point it must have included parking citations, because the bill title addresses parking offenses. This should be changed, although I know there are problems with changing the title of a bill from the other house. There is an opinion from Mike Ford in the file concerning the problems of an overinclusive title, but since the courts in our state have not addressed the question he is unable to say with any authority what the effect of passing the bill in its present form may be.

HOUSE CS FOR SENATE BILL NO. 6(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 4/28/95

Referred: Judiciary, Finance

Sponsor(s): SENATORS TAYLOR, Sharp

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to suspension of a driver's license for failure to appear in court
 2 or failure to pay a fine; relating to court and collection costs for traffic offenses;
 3 and relating to citations and court procedures for municipal traffic and parking
 4 offenses."

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

6 * Section 1. PURPOSE AND INTENT OF SECTION 4. The purpose of sec. 4 of this Act
 7 is to create a mechanism to enforce citations issued for offenses involving a moving motor
 8 vehicle. It is the intent of the legislature that after a person has made a required court
 9 appearance or paid a fine required by the court, that any driver's license suspension imposed
 10 by the court be terminated as quickly as possible.

11 * Sec. 2. ~~Act to terminate license suspension as quickly as possible~~

12 (b) A citation issued under AS 12.25.180 must indicate

13 (1) the amount of bail or fine applicable to the offense;

14 (2) [,] the procedure a person must follow in responding to the citation;

1. (3) [, AND] that if the person fails to pay the bail or fine the person
2 must appear in court;

3 (4) that failure to pay the bail or fine or appear in court for an
4 offense involving a moving motor vehicle may result in

5 (A) suspension of the person's driver's license, privilege to
6 drive, or privilege to obtain a license, or

7 (B) attachment of the person's permanent fund dividend to
8 pay the fine plus court and collection costs under AS 28.05.155; and

9 (5) [. IN ADDITION, A CITATION MUST INDICATE] that the
10 person has a right to

11 (A) [(1)] a trial;

12 (B) [(2)] engage counsel;

13 (C) [(3)] confront and question witnesses;

14 (D) [(4)] testify; and

15 (E) [(5)] subpoena witnesses on the person's behalf.

16 * Sec. 3. AS 28.05 is amended by adding a new section to read:

17 Sec. 28.05.155. COURT AND COLLECTION COSTS. If a person's
18 permanent fund dividend is attached to pay the bail or fine for an offense involving
19 a moving motor vehicle, the court shall increase the bail or fine of that person by at
20 least

21 (1) \$25 for court costs; and

22 (2) \$10 for collection costs.

23 * Sec. 4. AS 28.15.181 is amended by adding a new subsection to read:

24 (h) The court may suspend the driver's license, privilege to drive, or privilege
25 to obtain a license of a person who fails to appear in court as required by a citation
26 for an offense involving a moving motor vehicle, or who fails to pay a fine as required
27 by the court for an offense involving a moving motor vehicle. If the court suspends
28 a driver's license under this subsection, the court shall also provide notice of the
29 suspension to the department. A suspension imposed under this subsection remains
30 in effect until the person appears in court as required by the citation, or pays the fine
31 as required by the court. When the person appears in court or pays the required fine,

43.23
OGS -
already
was attached
for court
fines

1 the court shall terminate the suspension imposed under this subsection and provide the
2 department and the person with written notice of the termination.

Division of Legal Services
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 27, 1995

SUBJECT: Overinclusive Bill Title - HCS SB 6 (CRA)

TO: Representative Ivan Ivan

FROM: Michael F. Ford 
Legislative Counsel

The attached House CS removes sec. 3 of SB 6 am as you requested, but leaves the bill's title unchanged. If this change had been made in the Senate, the removal of sec. 3 would also require the bill title be changed. However, because SB 6 am is in the second house, as you are aware the title cannot be changed unless the Uniform Rules are suspended. By deleting sec. 3 without changing the title, you probably have a constitutional problem. Essentially, deleting sec. 3 without changing the bill title results in an overinclusive title (one that specifically mentions A and B when the body of the act deals only with A).

Article II, Section 13 of the state constitution requires "The subject of each bill shall be expressed in the title." Clearly, if the title mentions something that is not contained in the bill, the title does not literally comply with this provision and there is a substantial risk that a court will find a violation of the constitution. However, the court has not specifically considered the question of an overinclusive title in this state, so no one can say with any degree of certainty how the court will react.

Courts have generally held that an act will be valid unless the title is misleading or deceptive. (Lowery v. Red Cab Co., 262 S.W. 147 (Tex. Ct. Civ. App. 1924)) Whether a particular title will be misleading or deceptive because it mentions something that is not included in the body of the act will depend on the facts of the case, so an overinclusive title will always be risky. However, some courts have been tolerant of overinclusive titles. (Watts v. Oliphant, 143 S.E. 813 (S.C. (1965); Doyle v. King, 44 S.E. 2d 608 (S.C. 1947)) On the other hand, a court has held an overbroad title to be misleading. (Reeves v. Adam Hat Stores, 198 S.W.2d 789 (Ky. Ct. App. 1946)

My guess is that the more specific the description of the "missing" item is in the title, the more likely that a court will find the title misleading and unconstitutional. The uniform rules prohibiting title changes may affect the decision of Alaska's courts, not because the court would take it upon itself to enforce the rules, but because the court may find that those rules

Alaska State Legislature

Senator
Judiciary Committee

Senator
Transportation Committee

Senator
Resource Committee
Western Legislative Forestry Task Force



Senator Robin L. Taylor

State Capitol
Juneau, Alaska 99801-1142
907-465-1874
Fax: 907-465-1922

352 Front Street
Setchikan, Alaska 99871
907-225-8088
Fax: 907-225-0713

SPONSOR STATEMENT

SENATE BILL 6

The intent of this legislation is to encourage individuals to pay some of the 25,000 traffic fines for moving violations that go uncollected each year.

Senate Bill 6 is designed to provide the court system with additional leverage in the collection of fines. It would also apply to an individual who fails to appear in court, as ordered.

SB 6 would be a valuable tool for use by the courts in addressing the problems created by those who choose to ignore the law, especially those who fail to make court-ordered appearances or to pay fines imposed by the court.

The bill is based on statutes from other states. The experience in the state of Washington indicates that over 50 percent of those who receive notice of possible sanctions clear up outstanding matters within one week.

SB 6 allows the court to suspend the driver's license of anyone who fails to make a court appearance or pay a fine. It also includes a provision putting the offender on notice that under existing law their Permanent Fund Dividend could be attached. The bill would actually generate revenue, first by helping to collect outstanding fines and secondly by the reinstatement fees that would be collected by the Division of Motor Vehicles.

Section three of the bill was not included in the original legislation. It addresses perceived problems with the Anchorage Parking Authority and would restrict the amount municipalities could collect on traffic citations issued by someone other than a peace officer.

District A

Hyder • Kenikuk • Kuparuk • Meigs • Chick • Ektorsburg • Saxman • Sitka • Wrangell

AMENDMENT

OFFERED IN THE HOUSE

TO: SB 6 am

- 1 Page 2, line 16, through page 3, line 1:
- 2 Delete all material.
- 3 Renumber the following bill sections accordingly.

Alaska State Legislature

Legislative Research Agency



130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Phone: (907) 465-3991
Fax: (907) 463-3351

February 23, 1993

MEMORANDUM

TO: Senator Robin Taylor

FROM: Christine M. Cheff *CME*
Legislative Analyst

RE: **Sanctions for Failure to Pay Traffic Fines or Make Court Appearances**
Research Request 93.116

You asked about the Hawaii, Oregon and Washington laws which pertain to sanctions imposed for failure to pay traffic fines or to make related court appearances. Additionally, you wanted to know if there were any problems with implementation of the laws, and whether driver's license revocation and nonrenewal of vehicle registration are effective sanctions. Your request is related to draft legislation that is modeled on California Vehicle Code 40509.

From our analysis of the Hawaii, Oregon and Washington laws it is clear that a differentiation is made between a parking violation sanction, generally nonrenewal of vehicle registration, and a moving violation sanction which affects driving privileges. That differentiation was also noted in our previous analysis of the California law upon which your draft bill is based.¹

In the states you asked about, Oregon is the only one which suspends a driver's license for failure to appear in court or to pay fines for moving traffic violations, whereas, Hawaii and Washington have nonrenewal provisions. None of the three states suspend vehicle registrations for failure to pay parking fines. Washington does, however, have a proviso against renewal of a vehicle registration if the registrant has more than two outstanding parking violations.

¹Christine Cheff, "Draft Bill -- Fines and Court Appearances," Legislative Research Agency Memorandum 91.193, 1991.

No legal opinions related to the sanction laws appear to have been issued, either by the courts or by the states' attorneys general.²

Although we spoke with court personnel about the effectiveness of sanctions, most of the information we obtained was from persons employed in the driver's license and motor vehicle registration departments in each state. The primary responsibility for enforcing court suspensions or nonrenewal orders, as well as for maintaining recordkeeping systems, falls to those departments. The persons with whom we spoke were knowledgeable concerning the application of sanctions and provided general overviews of their effectiveness. Although we were unable to determine what initial problems may have been encountered with implementing the sanctions programs, the principal recommendation we received from the departments contacted was that an automated recordkeeping system and communications link should be in place before implementation.

Summaries of our contacts with the staff of various agencies and of the individual state laws are provided below.

Hawaii

Highway Safety Code Section 286-109 provides that anyone who fails to respond to a traffic citation or summons for violation of traffic laws, or who fails to comply with orders of the court, may be denied issuance or renewal of a driver's license. There is no provision for revocation or suspension of driving privileges.

The municipal courts on each island are responsible for notifying the respective traffic violations divisions about outstanding fines or citations. That information is entered into a computerized recordkeeping system which serves as the checkpoint when a person makes application for or attempts to renew a driver's license. Although each island has a traffic violations division, there is no electronic link between their recordkeeping systems. According to Milton Hee, manager of the Honolulu Traffic Violations section, the computer systems throughout the islands are very old and it is, therefore, impossible to track the number of persons currently on suspension or nonrenewal status. The only comprehensive source for that information is a computer printout. When an outstanding obligation has been satisfied, the court will issue a clearance notice to the traffic violation division and the person's name is removed from the computer.

²We conducted a WESTLAW search of the Attorney General Opinions and case law for Hawaii, Oregon and Washington, and called the Attorney General's office in Oregon.

Hawaii does not have a statutory provision for suspension or nonrenewal of a vehicle registration for outstanding parking fines. Persons who fail to respond to a summons or citation for an illegally parked vehicle may be issued a penal summons to appear in court (Traffic Code Section 291C-168). Failure to appear in court can result in the person's arrest (Traffic Code Section 291C-169).

Oregon

Under Oregon law (ORS 809.210 and 809.220), failure to appear (FTA) for a court hearing or to pay a traffic fine will result in the suspension of a person's driving privileges.³ There are no sanctions (other than towing) for failure to pay fines related to parking offenses.

The Oregon Department of Motor Vehicles (DMV) is electronically connected to over 300 courts statewide--district, municipal, justice, and circuit. According to Jeanelle Naatz, Data Entry Division supervisor, about 12,000 FTAs are processed by the division each month. Ms. Naatz believes that the incidence of repeat offenders is quite high, possibly 50-75 percent. The courts clear between 6,000 and 7,000 driver's licenses for reinstatement per month. After five years, a statute of limitations allows the violator to clear a suspension by simply coming to the DMV office and paying the fine, plus interest. No court appearance is necessary.

Lane Borg, manager of the Criminal Division for the Multnomah County Circuit and District Courts, believes that sanctions are not particularly effective because of the limitations on enforcement. Conceivably, a person may drive on a suspended or expired license for five years and then clear the record without having to go to court.

Washington

Currently, the only sanction for those who fail to appear in court or to pay parking fines is nonrenewal of a driver's license (RCW 46.20.031(3)) or vehicle registration (RCW 46.16.216) respectively.

A bill to suspend driver's licenses for FTAs related to moving violations has been introduced in the legislature, but at present the offense is a misdemeanor (RCW 46.64.020). Anyone with two or more outstanding FTAs within five years is guilty of "failure to comply" (RCW 46.64.027), which is a gross misdemeanor punishable by up to one year in the county jail or a fine of up to \$5,000, or both (RCW 9A20.020).

³In Oregon an FTA refers to outstanding fines as well as to failure to appear in court.

Senator Taylor
February 23, 1993
Page 4

Approximately 85 of the 150 eligible court jurisdictions in Washington participate in the automated vehicle registration suspension program maintained by the state's Title & Registration Department. Statewide, the department processes 30-35 parking violation suspensions per day. Bob Bardish, internal operations manager, says that over 50 percent of the suspensions which come in during a week are cleared by the end of that week.

Copies of the statutes referenced in this memorandum are attached. I hope the information will be useful. Please do not hesitate to call if we can be of further assistance.

Attachments

OFFICE OF THE CITY ATTORNEY
CITY OF KETCHIKAN, ALASKA

Steven H. Schweppe
City Attorney
334 FRONT STREET
KETCHIKAN, ALASKA 99901
(907) 225-3111, EXT. 327
Facsimile (907) 247-3111

November 30, 1994

Mr. Joe Ambrose
Senator Robin Taylor's Office
352 Front Street
Ketchikan, Alaska 99901

Re: Statutory Changes to Improve Collection
of Traffic Citations

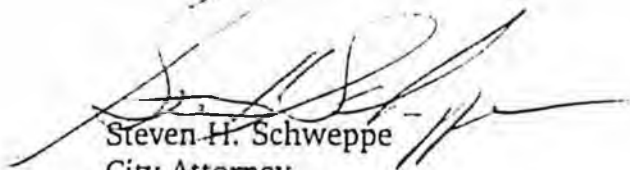
Dear Joe:

Earlier this month I attended the Alaska Municipal Attorney's Association Convention in Juneau. During the convention I had an opportunity to speak with Senator Taylor and with other municipal attorneys on the topic of enforcement of traffic citations. It appeared that municipal attorneys from around the State were all confronting difficulties in the current system of collecting fines imposed in traffic cases and in pursuing violators who fail to appear in court when scheduled. Senator Taylor talked to us about his proposal to require payment of outstanding citations prior to allowing a driver to register a vehicle or renew his driver's license. As you probably know, Judge Gucker has been a strong advocate of this concept as well. I have had some previous experience with this system in the State of Wisconsin and found it to be highly effective when applied to outstanding unpaid parking tickets. Judge Gucker believes that it is used effectively in California. It could be an effective way to collect fines from people who leave the State. Senator Taylor suggested that I contact you concerning my interest in this topic and my willingness to provide such assistance as I can to obtain its passage. It appeared that the municipal attorneys in Barrow, Kenai, and Juneau found this concept to be attractive and might be willing to provide some assistance to obtain its passage. The same system should be applied to persons who fail to appear for arraignment or trial of a traffic offense.

I understand that setting up and maintaining a system for recording traffic offenses with the Department of Public Safety, may cause some expense to the State. The expense

can be covered by imposing an additional fee on the violator. This fee is justifiable on two counts. First, it seems only appropriate that the persons who cause the additional expense should pay for it. Secondly, these same offenders found it too inconvenient to pay the fine as required by the court or to appear in court. Since they would now desire the additional convenience of paying their fines through the licensing process, they should pay for this additional service. In short, it appears to me that this system can provide a direct, fair, and efficient method to enforce laws which are now expensive and time consuming to enforce.

Yours very truly,



Steven H. Schweppe
City Attorney

EG/M/JA



City and Borough of Sitka

100 LINCOLN STREET, SITKA, ALASKA 99835

December 12, 1994

Steven H. Schweppe
City Attorney
334 Front Street
Ketchikan, Alaska 99901

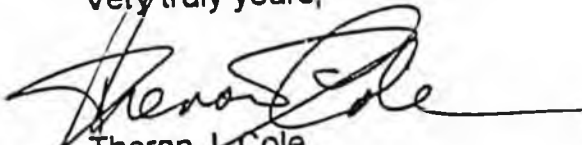


**RE: PROPOSED LEGISLATION TO PERMIT THE SUSPENSION OF DRIVER'S
LICENSES UPON FAILURE TO APPEAR OR PAY TRAFFIC OR PARKING
CITATIONS**

Dear Mr. ^{Steve}Schweppe:

After such a large reference, I have very little to say. The proposed legislation looks good to me.

Very truly yours,


Theron J. Cole
Municipal Attorney

cc: Sitka Police Department

(7)

Date Referred: April 19, 1995

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4.27.95

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

SB 6 am

SENATE BILL NO. 6 am

SUSPEND DRIVERS LIC./ TRAFFIC OFFENSES

"An Act relating to suspension of a driver's license for failure to appear in court or failure to pay a fine; relating to court and collection costs for traffic offenses; and relating to citations and court procedures for municipal traffic and parking offenses."

recommends it be replaced with the following committee substitute HCS for SB 6 (C+RA) [] the same title [] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS:

[] fiscal note(s)

[] ^{Senate} fiscal note(s) 3/30/95 ^(Dept/Date) Corrections, Public Safety 3/30/95

Court System 2/19/95

[] zero fiscal note(s)

[] ^{Senate} zero fiscal note(s) Public Safety 2/3/95

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	ELTON			<input checked="" type="checkbox"/>	
	AUSTERMAN			<input checked="" type="checkbox"/>	
	VEZEY	<input checked="" type="checkbox"/>			
	KOTT	<input checked="" type="checkbox"/>			
	IVAN	<input checked="" type="checkbox"/>			
		(3)		(2)	

CHAIR'S SIGNATURE

IVAN

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 2
Bill Version: CSSB 6 (FIN)
(S) Publish Date: 3-30-95

Revision Date: _____ Dept. Affected: Corrections
Title: An Act relating to suspension of a driver's license BRU: community corrections
Component: _____
Sponsor: Sen. Taylor
Requester: Senate Finance COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	38.0	38.0	38.0	38.0	38.0	38.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	38.0	38.0	38.0	38.0	38.0	38.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF	38.0	38.0	38.0	38.0	38.0	38.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	38.0	38.0	38.0	38.0	38.0	38.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would add failure to pay bail or fines related to moving traffic violations to the list of offenses for which driving privileges could be suspended. Under AS 28.15.291, upon a second conviction of driving a motor vehicle while the defendant's driving privileges have been suspended under AS 28.15.181 could result in a ten day jail sentence. The DOC does not supervise misdemeanor probation or community work service imposed in misdemeanor cases.

The language of related statutes allows considerable discretion to the court and the prosecutor with this offense and it is impossible to accurately predict how many individuals would receive additional time to serve due to the provisions of this bill. These offenders would serve their sentence in a CRC.

Each person who was sentenced to ten days for a second condition would serve 6 67 days at a cost of \$57.00 per day in a CRC for a total cost of \$0.380 per offender. One hundred offenders would result in an additional cost of \$38.0 annually.

Prepared by: Jerry Shriner
Division: _____
Approved by Commissioner: *Howard M. Pelt*
Agency: Department of Corrections

Phone: 465-4640
Date: 3/21/95
Date: 3/21/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 4
 BILL NO Bill V. : CSSB 6 (FIN)
 (S) P. Date: 3-30-95

Revision Date: 3/10/95 Dept. Affected: Public Safety
 Title: An Act relating to registration of a motor BRU: Motor Vehicles
vehicle and suspension of a driver license. Component: Driver Services & Field Services
 Sponsor: Senator Taylor
 Requestor: S JUD COMPONENT SERIAL NO. 0500 & 0502

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

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING						
PERSONAL SERVICES	75.1	75.1	75.1	75.1	75.1	75.1
TRAVEL						
CONTRACTUAL	18.5	12.7	12.7	12.7	12.7	12.7
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	20.0					
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	114.6	88.8	88.8	88.8	88.8	88.8
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES (1004 Revenue Code)	416.2	416.2	416.2	416.2	416.2	416.2

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE	114.6	88.8	88.8	88.8	88.8	88.8
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
TOTAL	114.6	88.8	88.8	88.8	88.8	88.8

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Replaces #1

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 3/10/95
 Approved by Commissioner: *Ronald L. Otte* Date: 3/10/95
 Agency: Ronald L. Otte, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

This bill allows the courts to suspend a driver's license of a person who has failed to appear in court or failed to pay a fine for a moving traffic offense. The court has advised there are 25,000 moving violations each year where the person fails to pay the fine or fails to appear in court for these offenses. Assuming the court suspends the driver's license of 10 percent or 2,500 driver's license each year.

This bill impacts the Division of Motor Vehicles by resulting to 4,750 updates to the driving record of the persons whose license is being suspended. One computer entry to add the suspension to the driving record, and another entry to end the suspension once the person has complied. Reinstating the driver's license will also impact the DMV field offices. The Motor Vehicle Representative will be required to see proof from the court that the person has complied with the court requirements by, appearing in court, or by paying the fine for the moving violation. It is estimated 90 percent of all persons whose license is suspended will reinstate their driving privilege. A \$100.00 reinstatement fee is charged anytime a person has had their license suspended or revoked within the 10 years preceding application for a driver's license. It is estimated 1,125 individual's will pay the \$100. If the license was suspended or revoked more than one time within the 10 years preceding application for a driver's license, the reinstatement fee is increased to \$250. It is estimated 1,125 will pay the \$250. A person will also have to pay a duplicate license fee of \$10 prior to the license being issued. The amount of additional new general fund program receipt revenue generated by this bill is approximately \$416.2

Total number of suspension notices received from the courts by DMV	2,500
Total number of suspension notices being ended when a person has complied with the courts	2,250
Total number of license reinstated	2,250

<u>OPERATING</u>	<u>FY 96</u>	<u>FY97</u>
<u>Personal Services</u>		Salary and Benefits
Administrative Clerk III (Juneau)	\$38.4	\$38.4
Motor Vehicle Representative II (Anchorage)	\$36.7	\$36.7
<u>Contractual</u>		
Computer line Charges (Mainframe connection) \$0.5 per workstation	\$1.0	\$1.0
Postage 1st class mail	\$0.8	\$0.8
Postage is for 2,500 courtesy letters informing the individual of the effective date of the license suspension.		
Telephone lease & line charges	\$1.1	\$1.1
Redesign and printing of traffic citations	\$5.8	
Office lease space allocation 440 sq ft @\$1.85 per sq ft	\$9.8	\$9.8
<u>Supplies</u>		
Routine office supplies	\$1.0	\$1.0
<u>Equipment</u>		
2 Computer Workstations @ \$10.0 each (One time costs)	\$20.0	
TOTAL OPERATING	\$114.6	\$88.8
 <u>REVENUE</u>		
2,250 Reinstatements 1,125 @\$100, 1,125 @\$250	\$393.7	\$393.7
2,250 Duplicate license fees @10	\$22.5	\$22.5
TOTAL REVENUE	\$416.2	\$416.2

2-4

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN ADJUSTED.
 03/02/95 Position Information Inquiry/Update

10:55:47

Position: 12-125213 Project: 0 Salary Costs: 24,972.00
 Component: 12-55-07-07-01-01 Region: Benefits Costs: 12,994.36
 Scenario: 7 FY: 96 COLA % = 0.000 Total Costs: 37,966.36

Actuals from Payroll (Status: FILLED) Retirement Code: A

A Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00
 04/10/16 Merit Date; use merit defaults? N (3.5 @ B & 3.5 @ C
 Class/Sched Prefix: 1 Schedule: 1A (actual: 1A
 Bargaining Unit: GG Range: 10 (actual: 10
 Location Code: AWA Place: JUNEAU
 Job Class Code: P1135 Title: ADMINISTRATIVE CLERK III
 Seasonal Indic.: F Type: FACL - FULL TIME / OMB AUTH

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Premium Pay Items/Amounts Budgeted

	Item Cost	---- Actual Costs ---- Y.T.D.	Prior Year
Overtime Hours: 0.0	0.00	0	0
Graveyard Shift Diff. (months): 0.00	0.00	0	0
Swing Shift Diff. (months): 0.00	0.00	0	0
Hazard Pay (\$): 0.00	0.00	0	0
Sea Duty Pay (\$): 0.00	0.00	0	0
Standby Pay (\$): 0.00	0.00	0	0
Higher Class Work Pay (\$): 0.00	0.00	0	0
Area Subsistence Pay (\$): 0.00	0.00	0	0
Additional Salary (\$): 0.00	0.00	0	0
PLUS 0.00000 PERCENT C.O.L.A.	0.00		
Total Premium Pay Costs:	0.00	0	0

Press ENTER to update record; enter # or use PF key to go another screen:
 1=Position Inquiry/Update 2=Funding info 12=Exit w/o update Selection: 0

24

Position: 12-125234 Project: 0
 Component: 12-55-07-07-01-01 Region:
 Scenario: 7 FY: 96 COLA %= 0.000
 Salary Costs: 23,556.00
 Benefits Costs: 12,552.81
 Total Costs: 36,108.81

 Actuals from Payroll (Status: FILLED) Retirement Code: A

A Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00)
 95/08/16 Merit Date; use merit defaults? N (1.5 @ A & 10.5 @ B)
 1 Class/Sched Prefix: 1 Schedule: 1A (actual: 1A)
 GG Bargaining Unit: GG Range: 09 (actual: 08)
 AWA ? Location Code: EBA Place: ANCHORAGE
 P7549 ? Job Class Code: P7550 Title: MOTOR VEHICLE REP II
 F Seasonal Indic.: F Type: FACL - FULL TIME / OMB AUTH

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Premium Pay Items/Amounts Budgeted

	Item Cost	---- Actual Costs ---- Y.T.D.	Prior Year
Overtime Hours: 0.0	0.00	0	0
Graveyard Shift Diff. (months): 0.00	0.00	0	0
Swing Shift Diff. (months): 0.00	0.00	0	0
Hazard Pay (\$): 0.00	0.00	0	0
Sea Duty Pay (\$): 0.00	0.00	0	0
Standby Pay (\$): 0.00	0.00	0	0
Higher Class Work Pay (\$): 0.00	0.00		
Area Subsistence Pay (\$): 0.00	0.00	0	0
Additional Salary (\$): 0.00	0.00		
PLUS 0.00000 PERCENT C.O.L.A.	0.00		
Total Premium Pay Costs:	0.00	0	0

Press ENTER to update record; enter # or use PF key to go another screen:

1=Position Inquiry/Update 2=Funding info 12=Exit w/o update Selection: 0

4-4

FISCAL NOTE

No. 5

Bill Version: SB 6

(S) Publish Date: 2-9-95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: License/Registration - Suspension/ BRU: Trial Courts
 Denial: _____ Components: _____
 Sponsor: Sen. Taylor
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	5.5	5.5	5.5	5.5	5.5	5.5
TRAVEL						
CONTRACTUAL	1.5	1.5	1.5	1.5	1.5	1.5
SUPPLIES	0.2	0.2	0.2	0.2	0.2	0.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	7.2	7.2	7.2	7.2	7.2	7.2

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.2	7.2	7.2	7.2	7.2	7.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	7.2	7.2	7.2	7.2	7.2	7.2


POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 284-8228
 Agency: Alaska Court System Date: 02/02/95

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 02/02/95
 Agency: Alaska Court System

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Alaska Court System

Fiscal Analysis

SB 6

This bill provides the option of suspending driver's licenses for persons who fail to pay fines in traffic-related offenses and to persons who fail to appear at the court for moving violations. The court will be required to prepare two new forms: (1) a notice of license revocation and (2) a notice of termination of license revocation. During FY 94, the court system processed over 71,700 traffic offenses, of which over 41,000 involved moving violations. For purposes of this fiscal note, we have used the following assumptions:

Estimated Number of Warrants Issued for Failure to Satisfy (25% of all traffic citations)	17,900	
10% of warrant recipients will receive Notice of Revocation		1,800
80% of notice recipients will receive Notice of Termination of Revocation		1,400
Estimated Number of Warrants Issued for Failure to Appear (20% of moving violation citations)	8,200	
10% of warrant recipients will receive Notice of Revocation		800
80% of notice recipients will receive Notice of Termination of Revocation		600
Total number of notices processed by the courts		4,600

It is assumed that each notice will require 3 minutes of clerical time for preparation, mailing and tracking. Statewide clerical overtime needs are estimated at 230 hours.

Fiscal Impact

	<u>Amount</u>
<u>Personal Services</u>	
Overtime pay for clerical staff to accomplish additional computations. Based on range 10C Anchorage court clerk	5,522
<u>Contractual</u>	
Postage - mail 4,600 notices at 32¢ each	1,472
<u>Supplies</u>	
Cost of paper and envelopes for printing and mailing notices	<u>202</u>
Total Cost	<u>\$7,198</u>

1995 LEGISLATIVE SESSION

(S) Publish Date: 2/3/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to registration of a motor vehicle suspension for failure to pay a fine..." BRU: Alaska State Troopers
 Sponsor: Senator Robin Taylor Component: Detachments
 Requestor: (S) State Affairs COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ -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

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

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 01/31/95
 Approved by Commissioner: Dee Smith Date: 2/1/95
 Agency: Ronald L. Otte, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

Division of Alaska State Troopers
Fiscal Note Analysis
Senate Bill 6

In Alaska, there are approximately 27,000 driver's licenses in a suspended or revoked status. The Alaska State Troopers apprehend approximately 8%, or about 2,000 people operating motor vehicles with suspended or revoked licenses per year. The Alaska Court System indicates that if the bill passes, they would present an additional 2,500 licenses for suspension per year. Currently, about 25,000 traffic citations are not paid per year.

Most of these cases are handled relatively quickly through the court system either at arraignment or a change of plea proceeding relatively soon afterwards. About 10-15% of the cases move through the court system towards a trial, and have evidentiary hearings and occasionally some trials.

Currently, very few troopers are available for proactive traffic enforcement, and this is not expected to change. While it is likely that additional cases of Driving with a Suspended License (DWLS) would be encountered by troopers, at this time it is difficult to estimate how many cases would be affected or their exact costs. It is possible that the department may have to prepare a request for additional funds in the future if these costs prove to be significant.