

HB

11

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*adopted by
S. RLS 5-10-98*

0-LS0093L

Ford

5/8/98

de Taylor

SENATE CS FOR HOUSE BILL NO. 11()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES GREEN, Dyson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to driver's licensing; and providing for an effective date."

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

3 * Section 1. AS 28.15.031(a) is amended to read:

4 (a) The department may not issue a driver's license to a person who is

5 (1) under the age of 16 years, except that the department may issue a
6 permit under AS 28.15.051 or a restricted license under AS 28.15.121; or

7 (2) at least 16 years of age but not yet 18 years of age unless the
8 person meets the requirements of AS 28.15.057.

9 * Sec. 2. AS 28.15.051(a) is amended to read:

10 (a) Except as provided in (b) of this section, a person who is at least 14 years
11 of age may apply to the department for an instruction permit. The department may,
12 after the applicant has successfully passed all parts of the examination under
13 AS 28.15.081 other than the driving test, issue to the applicant an instruction permit.
14 The permit allows a person, while having the permit in the person's immediate
15 possession, to drive a specified type or class of motor vehicle on a highway or

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vehicular way or area for a period not to exceed two years. The permittee shall [MUST] be accompanied by a person at least 21 [19] years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the vehicle and who occupies a seat beside the driver, or who accompanies and immediately supervises the driver when the permittee drives a motorcycle. An instruction permit may be renewed.

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

Sec. 28.15.055. Provisional driver's license. Upon application, the department may issue a provisional driver's license to a person who is at least 16 years of age but not yet 18 years of age if the person has been licensed under an instruction permit issued under AS 28.15.051 or under the law of another state with substantially similar requirements for at least six months.

Sec. 28.15.057. Restrictions on driver's license issued to a person under 18. Except as provided under AS 28.15.051, a person who is at least 16 years of age but not yet 18 years of age may not be issued a driver's license unless the person has been licensed under an instruction permit issued under AS 28.15.051 for at least six months and has held a valid provisional driver's license issued under AS 28.15.055 for at least one year.

* Sec. 4. AS 28.15.183(f) is amended to read:

(f) A revocation imposed under this section shall be consecutive to a revocation imposed under another provision of law, except that a revocation imposed under this section for an offense for which a revocation is required under AS 28.15.185 shall be concurrent with a revocation imposed under AS 28.15.185 that is based on the same incident. A department hearing officer may grant limited license privileges in accordance with the standards set out in AS 28.15.201 to a person whose driver's license, permit, or privilege was revoked under this section.

* Sec. 5. AS 28.15.183(g) is amended to read:

(g) Except as provided under (h) of this section, the department may not issue a new license or reissue a license to a person whose driver's license, permit, or privilege to drive has been revoked under this section unless the person is enrolled in and is in compliance with, or has successfully completed,

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1 (1) an alcoholism education or rehabilitation treatment program
 2 approved under AS 47.37, if the revocation resulted from possession or consumption
 3 of alcohol in violation of AS 04.16.050 or a municipal ordinance with substantially
 4 similar elements, from operating a vehicle after consuming alcohol in violation of
 5 AS 28.35.280, or from refusal to submit to a chemical test of breath in violation of
 6 AS 28.35.285; or

7 (2) a drug education or rehabilitation treatment program, if the
 8 revocation resulted from possession or use of a controlled substance in violation of
 9 AS 11.71 or a municipal ordinance with substantially similar elements.

10 * Sec. 6. AS 28.15.185(a) is amended to read:

11 (a) A person who is at least 1² years of age but not older than 17 years of age
 12 is subject to revocation, under (b) of this section, of the person's driver's license,
 13 privilege to drive, or privilege to obtain a license if the person [WHO] is convicted
 14 of or [WHO] is adjudicated a delinquent minor by a [JUVENILE] court for [OF]

15 (1) misconduct involving a controlled substance under AS 11.71 or a
 16 municipal ordinance with substantially similar elements; or

17 (2) [POSSESSION OR CONSUMPTION OF ALCOHOL UNDER
 18 AS 04.16.050 OR A MUNICIPAL ORDINANCE WITH SUBSTANTIALLY
 19 SIMILAR ELEMENTS; OR

20 (3)] an offense involving the illegal use or possession of a firearm that
 21 is punishable under AS 11 or a municipal ordinance with substantially similar elements
 22 [IS SUBJECT TO REVOCATION OF THE PERSON'S DRIVER'S LICENSE,
 23 PRIVILEGE TO DRIVE, OR PRIVILEGE TO OBTAIN A LICENSE UNDER (b) OF
 24 THIS SECTION].

25 * Sec. 7. AS 28.15.185(c) is amended to read:

26 (c) When a person described in (a) of this section has been convicted of
 27 or adjudicated a delinquent minor for [UPON CONVICTION OR ADJUDICATION
 28 OF] an offense listed in (a) of this section, the court may, upon petition of the person,
 29 review the revocation and may restore the driver's license, except a court may not
 30 restore the driver's license until

31 (1) at least one-half of the period of revocation imposed under this

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section has expired; and

(2) the person has taken and successfully completed a state approved program of drug education or rehabilitation if convicted or adjudicated of misconduct involving a controlled substance under AS 11.71 or a municipal ordinance with substantially similar elements [~~, OR ALCOHOL EDUCATION OR REHABILITATION IF CONVICTED OR ADJUDICATED OF POSSESSION OR CONSUMPTION OF ALCOHOL UNDER AS 04.16.050 OR A MUNICIPAL ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS~~]; however, this paragraph does not apply to a person who resides in an area that does not offer a state approved drug [~~OR ALCOHOL~~] education or rehabilitation program or a person that the court determines does not need [~~ALCOHOL OR~~] drug education or rehabilitation.

* Sec. 8. AS 28.15.211(d) is amended to read:

(d) At the end of a period of revocation or limitation following a revocation, a person whose driver's license has been revoked may apply to the department for the issuance of a new license, but shall submit to reexamination, pay all required fees including a reinstatement fee, and, if the license was revoked under AS 28.15.181(a)(5) or (8), submit proof of

(1) enrollment in and compliance with or completion of an alcoholism education and rehabilitation treatment program approved under AS 47.37 if the person was sentenced under AS 28.15.181(c)(1); or

(2) completion of and payment for an alcoholism education and rehabilitation treatment program approved under AS 47.37 if the person was convicted under AS 28.15.181(c)(2) - (4).

* Sec. 9. AS 28.15.241(b) is amended to read:

(b) In addition to (a) of this section, two points shall be deducted from the assessed total upon the driver's furnishing to the department adequate proof of successful completion, within 12 months of the date of the driver's last violation, of a driver improvement course approved by the department or an alcohol information course approved by the Department of Health and Social Services, except that

(1) not [~~. NO~~] more than one driver improvement or one alcohol information course may be used to obtain a reduction in points in any 12-month

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1 period; and

2 (2) a driver improvement course for a person under 21 years of age
3 must be a course that is designed to benefit persons under 21 years of age and
4 must be certified by a national organization.

5 * Sec. 10. AS 28.15.253 is amended to read:

6 Sec. 28.15.253. Driver improvement or alcohol information courses
7 [COURSE]. Upon conviction of a violation of a traffic law that results in a driver
8 accumulating six or more points from offenses committed during any consecutive 12-
9 month period or nine or more points from offenses committed during any 24-month
10 period, (1) on request of the department, the court may, in addition to any other
11 penalty authorized by law, require the driver to successfully complete a driver
12 improvement course approved by the department or an alcohol information course
13 approved by the Department of Health and Social Services within a period of time
14 prescribed by the court; and (2) the department shall require a person licensed
15 under a provisional license to complete a driver improvement course approved by
16 the department within a time period prescribed by the department. A driver
17 improvement course approved under this section for a person who is under 21
18 years of age must be a course that is designed to benefit persons under 21 years
19 of age and must be certified by a national organization. The department may
20 suspend, revoke, or deny the driver's license of a person who fails to successfully
21 complete the driver improvement course or the alcohol information course required
22 by the court under this section within the prescribed time period.

23 * Sec. 11. AS 28.40.100(a)(8) is amended to read:

24 (8) "driver's license" or "license," when used in relation to driver
25 licensing, means a license, provisional license, or permit to drive a motor vehicle, or
26 the privilege to drive or to obtain a license to drive a motor vehicle, under the laws
27 of this state [,] whether or not a person holds a valid license issued in this or another
28 jurisdiction;

29 * Sec. 12. AS 47.37.040(14) is amended to read:

30 (14) cooperate with the Department of Public Safety and the
31 Department of Transportation and Public Facilities in establishing and conducting

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1 programs designed to deal with the problem of persons operating motor vehicles while
 2 intoxicated or under the influence of drugs, and develop and approve alcohol
 3 information courses required to be taken by drivers under AS 28.15 or made
 4 available to drivers to reduce points assessed for violation of traffic laws:

5 * Sec. 13. AS 47.37.045(c) is amended to read:

6 (c) Community action against substance abuse grant funds awarded under this
 7 section may be used for

8 (1) Police-In-School Liaison programs staffed by officers that are
 9 certified by the Alaska Police Standards Council;

10 (2) technical assistance for neighborhood based substance abuse
 11 prevention or treatment programs;

12 (3) coordinators for court ordered community service;

13 (4) preventative or educational programs for youth that involve the
 14 community, parents, youth, and local schools;

15 (5) programs or projects that the division determines are effective in
 16 preventing or treating substance abuse at the community level; [OR]

17 (6) supervised youth recreation programs that focus on preventing or
 18 treating substance abuse; or

19 (7) youth assessment and referral programs that provide substance
 20 abuse screening services to and monitor compliance for a minor required to
 21 participate in an alcoholism or drug education or rehabilitation treatment
 22 program under AS 28.15.183 or before the minor's driver's license may be
 23 reinstated under AS 28.15.211.

24 * Sec. 14. APPLICABILITY. Sections 4, 6, and 7 of this Act apply to offenses committed
 25 on or after the effective date of this Act. However, references to previous convictions include
 26 violations and offenses committed on, before, or after the effective date of this Act.

27 * Sec. 15. This Act takes effect January 1, 1999.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SCS HB 11 (RLS)

DRAFT

Revision Date: 05/08/98 Dept. Affected: Health and Social Services
 Title: An Act related to drivers licensing; and BRU: Alcohol and Drug Abuse Services
providing for an effective date Component: ADA Admin
 Sponsor: Rep. Green COMPONENT SERIAL NO. _____
 Requestor: Senate RLS See also (SN#): #302

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	92.0	95.0	98.0	101.0	104.0	107.0
TRAVEL	4.0	4.0	4.0	4.0	4.0	4.0
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	100.0	103.0	106.0	109.0	112.0	115.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	100.0	103.0	106.0	109.0	112.0	115.0
1037 GF/Mental Health						
Other (please specify)						
TOTAL	100.0	103.0	106.0	109.0	112.0	115.0

POSITIONS:

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

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Loren A. Jones Phone: 465-2071
 Division: Alcoholism and Drug Abuse Date: 05/08/98
 Approved by Commissioner: Karen Perdue, Commissioner Date: 5/9/98
 Agency: Department of Health & Social Services

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DRAFT

DRAFT**ANALYSIS (cont.):**

This bill would transfer to the Division of Alcoholism and Drug Abuse the responsibility for the approval of alcohol information courses (Alcohol Information Schools (AIS)) for all persons needing such a course as a result of alcohol related crimes, primarily minor consuming, minor in possession and driving while intoxicated. Currently all such AIS classes also contain a driver improvement section and are targeted primarily at adults.

The curriculum currently being used has not been reviewed and updated in many years. There are no outcomes or expectations for the AIS (other than to not have repeated the criminal behavior) or for the impact on the individual. It is time that this was updated and specific outcomes and expectations be established.

With the passage of the "Use It and Lose It" law there has been a dramatic increase in the number of minors losing their drivers license and being required to complete an AIS or treatment in order to have their license re-instated. This new law has shown a significant gap in our ability to respond appropriately and to assure that the education received is of value and will result in positive outcomes for the youth. We have attached several charts which shows the number of revocations for the last three calendar years. The data on the attached charts are taken from the Division of Motor Vehicles administrative revocation of the driver's license. Not all these youth have been convicted in court of the offenses as the loss of the driver's license is an administrative procedure.

A number of these youth, like adults, may need more than an AIS to address their needs. In reviewing the number of minors losing their driver's license the number of second or more offenders is about equal to the first time loss. This would indicate that the law, in and of itself, is not stopping repeat offenses. An age appropriate AIS will have an impact. However, we know that for some persons additional services may be needed.

The Division also feels that to provide appropriate AIS a different curriculum and teaching method is needed for minors. The Division will locate and/or develop an appropriate model for adult and youth Alcohol/Drug Information School (AIS). These courses would be age appropriate and meet the needs of DMV for driving related issues. There will be a different response for the 18-20 year olds than for those under age 18. One major difference will be information on inhalants for the under 18 age group.

The Division of Alcoholism and Drug Abuse would establish a set of policy guidelines and outcomes for communities to use in developing a local approach to establishing the appropriate entry program for these minors. This would include policies on defining appropriate assessment, referral, defining compliance and completion of appropriate services, and evaluation standards for the program. Thus those who need only AIS would be sent in the correct direction and those who need additional services would also get those.

These policies would include the role of partnership with schools for alternative to suspension programs, for working with courts, working with youth probation, and with local treatment agencies. We would need to address differences for rural villages. We would need to address development of a community based prevention and intervention services.

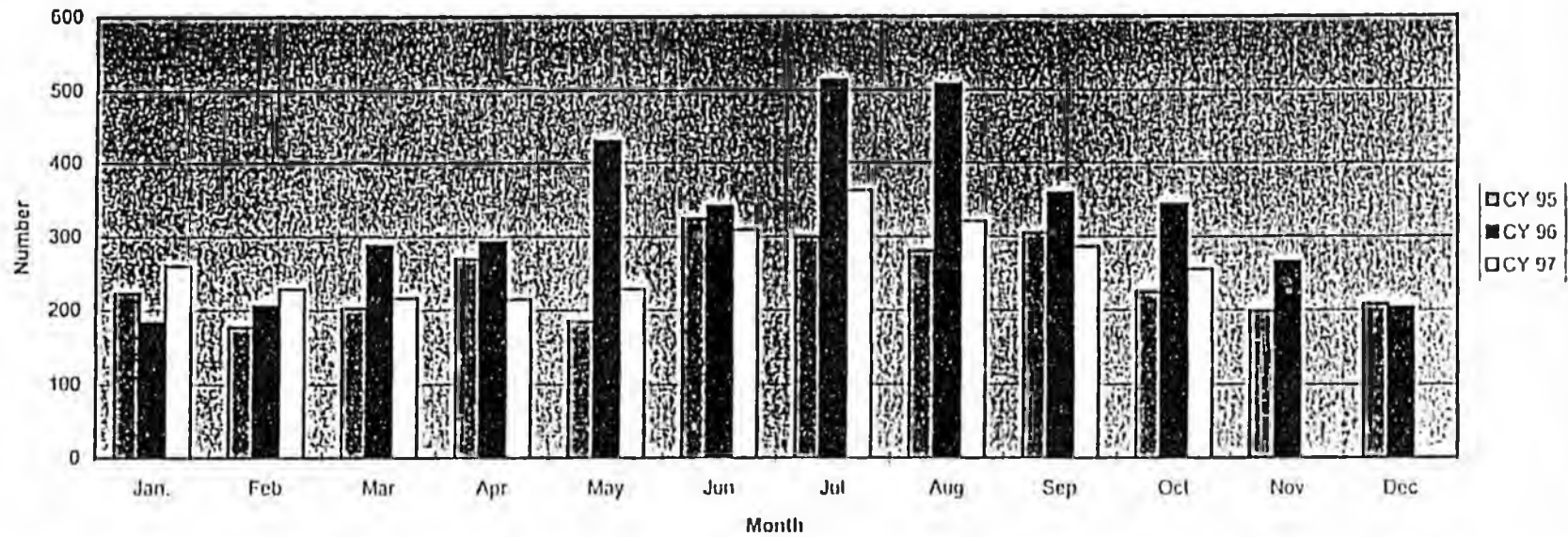
The Division would require two new positions consisting of 1 probation officer and 1 clerical staff for program & policy development, quality assurance of the AIS classes and staff support. This staff would write the P&P, Regulations and monitor compliance of the AIS providers and the local agencies providing the services.

The revenue generated from the drivers license issuance fees would provide the increase in funds to pay for this new service. This would generate the revenue needed to put in place programs to reduce the number of offenders.

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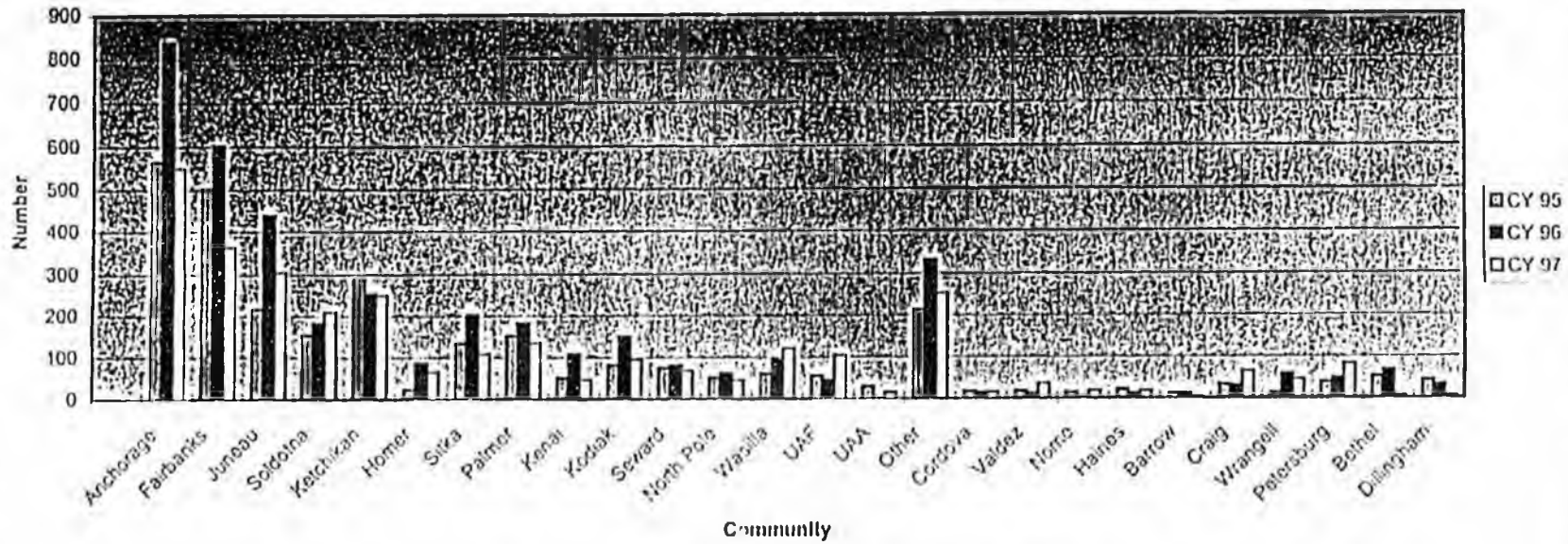
Driver's license loss due to alcohol or drug consumption or possession													
	Jan.	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
CY 95	223	176	202	269	184	324	299	280	304	225	198	207	2891
CY 96	183	205	287	292	430	341	514	508	358	343	265	203	3929
CY 97	259	229	216	214	229	309	362	320	285	255			2678

Number Youth Who Lost Drivers License Due to "Use It and Lose It" Law by Month for CY 1995, 1996, 1997



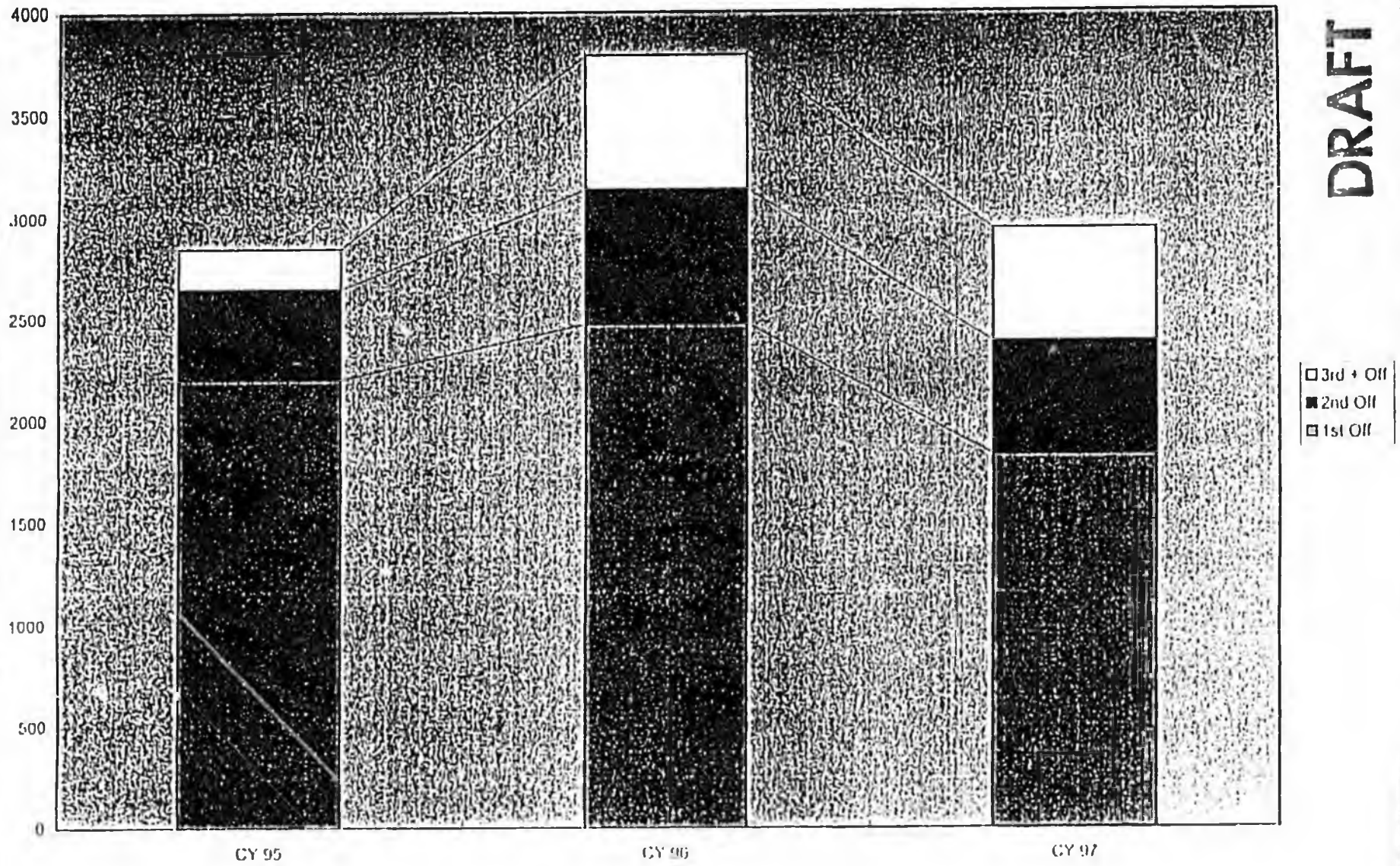
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Number of Youth Who Lost Drivers License Duo to "Use It and Lose It" Law by Community for CY 1995, 1996, 1997



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Comparison of the number of Repeat Offenses in CY 1995, 1996, 1997



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Phone: 465-2071
 Date: 05/08/98

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 Agency: Department of Health & Social Services

Date: 5/9/98

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These policies would include the role of partnership with schools for alternative to suspension programs, for working with courts, working with youth probation, and with local treatment agencies. We would need to address differences for rural villages. We would need to address development of a community based prevention and intervention services.

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