

**HB**

**367**

HB367

TONY KNOWLES  
GOVERNOR  
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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 10, 2000

The Honorable Brian Porter  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker Porter:

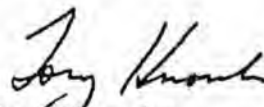
Many Alaskans are killed annually by drivers who are operating their vehicles in an unsafe way, but are not specifically violating any criminal laws. In 1998, approximately 20 deaths on our state highways may have fallen into this category. The extent of any punishment in these cases is merely a fine for a traffic violation of up to \$300.

Regardless of whether their conduct is criminal, drivers whose traffic violations contribute to an accident causing the death of another person pose a risk to people on the highways and cause much suffering to family and friends of their victims. This bill I transmit today addresses this unfortunate situation by requiring, under certain circumstances, revocation of driving privileges of a driver involved in a fatal traffic accident.

This bill requires the court to revoke driving privileges in cases where a person violated traffic laws and the violation contributed to an accident that resulted in a death. The license revocation would be for one year and applies to drivers of all vehicles, including those for commercial use. The court would be allowed to grant limited license privileges if it determines driving is critical to the person's livelihood and will not pose a danger to the public.

When people drive in an unsafe way and cause the death of another, their privilege to drive should be taken to protect other drivers and pedestrians on the roadways.

Sincerely,

  
Tony Knowles  
Governor

(7)

# HOUSE COMMITTEE REPORT

Date Referred to Committee: February 11, 2000

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 3/7/00

The STATE AFFAIRS Committee considered:

HB 367

HOUSE BILL NO. 367

REVOCATION OF DRIVING PRIVILEGES

"An Act providing for the revocation of driving privileges by a court for a driver convicted of a violation of traffic laws in connection with a fatal motor vehicle or commercial motor vehicle accident; and amending Rules 43 and 43.1, Alaska Rules of Administration."

recommends it be replaced with the following committee substitute \_\_\_\_\_  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: (Dept/Date)

fiscal note(s) \_\_\_\_\_

fiscal note(s) Admin

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DPS, DOL

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Deannette James</i>			<input checked="" type="checkbox"/>	
<i>Ben Kerttu</i>	<input checked="" type="checkbox"/>			
<i>Hal Smith</i>	<input checked="" type="checkbox"/>			
<i>Chris [unclear]</i>		<input checked="" type="checkbox"/>		
<i>Bill Hudson</i>			<input checked="" type="checkbox"/>	
<i>Scott [unclear]</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE *Deannette James*

# STATE OF ALASKA

## DEPARTMENT OF LAW

CRIMINAL DIVISION  
February 15, 2000

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

- CRIMINAL DIVISION CENTRAL  
OFFICE  
P.O. BOX 110300  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3428  
FAX: (907) 465-4043
- OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
310 K STREET, SUITE 308  
ANCHORAGE, ALASKA 99501-2064  
PHONE: (907) 269-6250  
FAX: (907) 269-6270

The Hon. Jeannette James  
Chair, House State Affairs Committee  
Alaska State Legislature  
State Capitol, Room 102  
Juneau, Alaska 99801

Re: HB 367 (Revocation of Driving Privileges)

Dear Representative James:

House Bill 367, introduced February 15, 2000, has been referred to the House State Affairs Committee. I am writing to request that the bill be scheduled for a hearing at your earliest convenience.

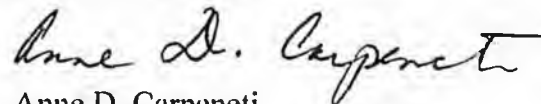
HB 367 provides that a court shall revoke the driving privileges of a driver who violates the traffic laws, and the violation contributes to an accident that results in a death. Drivers who violate traffic laws may not have committed a crime, but if their poor driving causes the death of another person, their driving privileges should be revoked. The bill provides for a one-year revocation under these circumstances. This period would be concurrent with any other revocation that might apply, and the court may grant a limited license if the court finds the limited license will not endanger the public.

If you have any questions about the bill or require further information, please feel free to call me at any time.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:



Anne D. Carpeneti  
Assistant Attorney General

# Bill History/Action Display



BILL **HB 367** SHORT TITLE: REVOCATION OF DRIVING PRIVILEGES  
 BILL VERSION:  
 SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

CURRENT STATUS: (H) STA STATUS DATE: 2/11/00  
 THEN JUD, FIN

TITLE: "An Act providing for the revocation of driving privileges by a court for a driver convicted of a violation of traffic laws in connection with a fatal motor vehicle or commercial motor vehicle accident; and amending Rules 43 and 43.1, Alaska Rules of Administration."

[Full Text](#) Detailed 2000 fiscal note information currently not available on-line.

## Committee Action With Bill History

Jrn-Date	Jrn-Page	Action
2/11/00	<a href="#">2180</a>	(H) READ THE FIRST TIME - REFERRALS
2/11/00	<a href="#">2180</a>	(H) STA, JUD, FIN
2/11/00	<a href="#">2180</a>	(H) INDETERMINATE FISCAL NOTE (ADM)
2/11/00	<a href="#">2180</a>	(H) 2 ZERO FISCAL NOTES (LAW, DPS)
2/11/00	<a href="#">2180</a>	(H) GOVERNOR'S TRANSMITTAL LETTER
2/11/00	<a href="#">2180</a>	(H) REFERRED TO STATE AFFAIRS

Similar Subject Match or Exact Subject Match

COURT RULES

CRIMES

CRIMINAL PROCEDURE

DEATH

MOTOR VEHICLES

SENTENCING

Bill Root:

[Return to BASIS Main Menu\(21st Legislature\)](#)  
[Return to the Legislature Home Page](#)  
 Information in BASIS is in Real Time.  
 Please use your 'Reload' button to update this page.

Albert Lewis Taylor  
P.O. Box 111033  
Anchorage, AK 99511  
(907) 344-7486 home  
(907) 264-0534 work

February 23, 2000

Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801

To State Representatives:

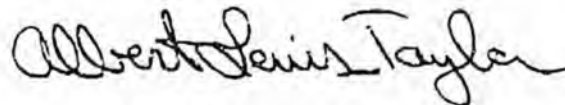
Re: House Bill #367

I was lead to believe that driving is a privilege. If a motor vehicle operator/driver chooses to drive irresponsibly, (breaking traffic laws and killing others), then their driving privileges should be taken from them. There are too many deaths on our roads and highways brought on by negligence due to the actions of careless and irresponsible drivers.

Bill #367 would be a step towards holding these irresponsible and careless drivers accountable for their actions. Also, it will be an encouragement for others to drive more responsibly.

I encourage all of you to pass this bill. It will help make our roads and highways safer for all of us.

Thank You,



Albert Lewis Taylor



TONY KNOWLES  
GOVERNOR  
governor@gov.state.ak.us

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

P.O. Box 110001  
Juneau, Alaska 99811-0001  
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February 14, 2000

Mr. Albert Lewis Taylor  
P.O. Box 111033  
Anchorage, AK 99511-1033

Dear Mr. Taylor:

Thanks once again for your letter and messages to Governor Knowles about the need for legislation to hold drivers accountable for negligence that leads to a person's death. Your input has been very valuable to us, and we appreciate your sharing the tragic story of your son's death.

I am pleased to inform you that Governor Knowles has introduced legislation that requires a one-year license revocation for any driver whose traffic violation causes the death of another person. The bill is listed in the House as HB367, and in the Senate as SB264. Enclosed please find a copy of the proposed legislation and the Governor's transmittal letter.

I know that you have been in contact with your elected representatives about this issue. Now that this legislation is before them, I encourage you to call or write them with your support. Please feel free to contact me with any comments or questions.

*He lives in  
Cantwell.*

Sincerely,

Shari Kochman  
Deputy Legislative Director

Enclosures

FISCAL NOTE

No: 3

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

Bill Version: HB 367  
(H) Publish Date: 2/11/00

Revision Date: February 8, 2000  
Title: Providing for the revocation of driving privileges by a court  
For a driver convicted of a violation of traffic laws...  
Sponsor: Rules Committee  
Requestor: Governor

Department Affected: Administration  
BRU: Legal and Advocacy Services  
Component: Public Defender Agency  
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**
CAPITAL EXPENDITURES	**	**	**	**	**	**
CHANGE IN REVENUES ( )	**	**	**	**	**	**

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	**	**	**	**	**	**
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY 00) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill is likely to have some fiscal impact on the Public Defender Agency. We generally do not represent people in traffic cases. (In Alaska, a person only has the right to a court-appointed attorney if he or she is charged with a serious offense.) However, because this bill calls for a court revocation rather than an administrative revocation by the Division of Motor Vehicles, we may end up being involved. The Alaska Supreme Court has said that the potential for loss of a "valuable license" may make the offense serious enough to require a jury trial and a court-appointed attorney, if necessary.

The Public Defender Agency is submitting an indeterminate fiscal note because we may be required to represent defendants in jury trials if this bill becomes law.

Prepared by: Barbara Brink, Director  
Division: Public Defender Agency

Phone: (907) 264-4414  
Date: February 8, 2000

Approved by Commissioner: Robert Poe, Jr.  
Agency: Department of Administration

Date: February 8, 2000

COMMITTEE COPY

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# FISCAL NOTE

Bill Version: HB 367  
 (H) Publish Date: 2/11/00

**STATE OF ALASKA  
 2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction)	Dept. Affected	Law
Title	BRU	Criminal Division
"... revocation of driving privileges by a court for a driver convicted of a violation ... with a fatal ... accident."	Component	1st-4th Judicial Districts; Criminal Appeals/Special Litigation
Sponsor	Rules Committee	
Requester	Governor	Component No. 2198-99;2201/03/61/79

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill would require the revocation of driving privileges of a person who drives a vehicle, including a commercial vehicle, that is involved in a fatal traffic accident if the person is convicted of a violation of traffic laws in connection with the accident, and the violation of the traffic laws contributed to the accident that resulted in the death of another person.  
  
 Because conviction of the traffic offense may result in loss of a valuable license, the person has a right to a jury trial. However, a jury trial on traffic matters is a relatively short time commitment. The Department of Law estimates no more than a dozen of these trials will occur statewide per year, and does not anticipate a measurable fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson  
 Division: Attorney General's Office  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-5370  
 Date/Time: 2/8/00, 3:18 PM  
 Date: 2/8/00

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**FISCAL NOTE** Bill Version: HB 367

(H) Publish Date: 2/11/00

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

Revision Date \_\_\_\_\_ Dept. Affected Public Safety  
 Title An Act for the administrative revocation of driving BRU AST- Detachments  
privileges ... in connection with a fatal vehicle accident. Component AST- Detachments  
 Sponsor Rules Committee  
 Requester Governor Component No. 2325

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill will not adversely impact the budget.

Prepared by: Royce Weller, Special Assistant Phone 465-4322  
 Division \_\_\_\_\_ Date/Time 12/22/99 12:00:00 A  
 Approved by Commissioner Ronald L. Otte Date 12/22/99  
 Agency Department of Public Safety

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