

**HB**

**151**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/16/99

FURTHER:

DATE TURNED  
IN TO OFFICE: 5/18/99

Finance Committee considered CS FOR HOUSE BILL NO. 151(JUD) am

"An Act relating to revocation and reinstatement of the driver's license of a person at least 14 but not yet 21 years of age."

and recommends:

- be replaced with S CS CS HB 151 (FIN)
- adopt previous SCS CS SCS (SCS)
- attached amendment(s) for hearing
- adopt Letter of Intent by \_\_\_\_\_
- further referral to the \_\_\_\_\_

- Senate Bill: same title
- new title
- House Bill: same title
- technical title
- new: SCR" \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Bill E. Allen</i>	✓	<i>Pete Kelly</i>	✓	✓	
<i>Kyle Green</i>	✓				
<i>Tom Weller</i>	✓	<i>Jim Linder</i>	X		
		<i>Brian J. Jensen</i>	✓		
		<i>Don Dwyer</i>	✓		
Co-Chair: <i>Jeffrey</i>	✓	Co-Chair:			
Co-Chair: <i>Paul R. Powell</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>for hearing &amp; fiscal notes</i>			
<i>pass</i>			
<i>actions</i>			

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

**STATE OF ALASKA  
1999 LEGISLATIVE SESSION**

**BILL NO. SCS for CS HB 151(FIN)**

*5/18/99*

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act relating to possession, control, or BRU: Alcohol and Drug Abuse Services  
consumption of alcohol by a person under 21 years of age; Component: ASAP  
 Sponsor: Rep. Kott COMPONENT SERIAL NO. #305  
 Requestor: \_\_\_\_\_ See also (SN#): \_\_\_\_\_

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

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

OPERATING	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES	0.0					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0					
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>CHANGES IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<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 (FY1999) cost: \$0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

As amended, this bill would have no fiscal impact on the department.

Prepared by: Loren A. Jones Phone: \_\_\_\_\_  
 Division: Alcoholism and Drug Abuse Date/Time: 5/18/99 5:35 PM  
 Approved by Commissioner: *[Signature]* Date: 5/18/99  
 Agency: Department of Health & Social Services

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# FISCAL NOTE

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

**BILL NO. SCS CSHB151(FIN)**

5/18/99

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Relating to revocation & reinstatement of BRU: Family and Youth Services  
driver's licenses of minors Component: McLaughlin Youth Center  
 Sponsor: Rep. Kott COMPONENT SERIAL NO. 264  
 Requestor: Senate (FIN) See also (SN#): \_\_\_\_\_

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

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

OPERATING	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES		0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL		0.0	0.0	0.0	0.0	0.0
SUPPLIES		0.0	0.0	0.0	0.0	0.0
EQUIPMENT		0.0	0.0	0.0	0.0	0.0
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>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<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 (FY1999) cost: \$0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

As amended, this bill would have no fiscal impact on the department.

Prepared by: George Buhite *Blurt Butkane* Phone: 465-2212  
 Division: DEYS Date/Time: 5/18/99 5:36 PM  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 5/18/99  
 Agency: Department of Health & Social Services

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1-LS0492P

Ford

5/16/99

*s/15  
moved by Pennell  
w/o obj. ADOPTED  
work draft*

SENATE CS FOR CS FOR HOUSE BILL NO. 151( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY .

Offered:

Referred:

Sponsor(s): REPRESENTATIVES KOTT, Austerman, Dyson, Rokeberg, Smalley, Cissna

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation and reinstatement of the driver's license of a  
2 person at least 14 years of age but not yet 21 years of age."

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

4 \* Section 1. AS 28.15.183(a) is amended to read:

5 (a) If a peace officer has probable cause to believe that a person who is at  
6 least 14 years of age but not yet 21 years of age has possessed or used a controlled  
7 substance in violation of AS 11.71 [,] or a municipal ordinance with substantially  
8 similar elements, [OR] possessed or consumed alcohol in violation of AS 04.16.050  
9 or a municipal ordinance with substantially similar elements, operated a vehicle after  
10 consuming alcohol in violation of AS 28.35.280, or refused to submit to a chemical  
11 test under AS 28.35.285, and the peace officer has cited the person or arrested the  
12 person for the offense [A VIOLATION OF AS 11.71, AS 04.16.050, AS 28.35.280,  
13 OR 28.35.285 OR THE MUNICIPAL ORDINANCE WITH SUBSTANTIALLY  
14 SIMILAR ELEMENTS], the peace officer shall read a notice and deliver a copy to the

1 person. The notice must advise that

2 (1) the department intends to revoke the person's driver's license or  
3 permit, privilege to drive, or privilege to obtain a license or permit;

4 (2) the person has the right to administrative review of the revocation;

5 (3) if the person has a driver's license or permit, the notice itself is a  
6 temporary driver's license or permit that expires 10 [SEVEN] days after it is delivered  
7 to the person;

8 (4) revocation of the person's driver's license or permit, privilege to  
9 drive, or privilege to obtain a license or permit, takes effect 10 [SEVEN] days after  
10 delivery of the notice to the person unless the person, within 10 [SEVEN] days,  
11 requests an administrative review;

12 (5) if the person has been cited under AS 28.35.280 or under  
13 AS 28.35.285, that person, under AS 28.35.290, may not operate a motor vehicle,  
14 aircraft, or watercraft during the 24 hours following issuance of the citation.

15 \* Sec. 2. AS 28.15.183(c) is amended to read:

16 (c) Unless the person has requested an administrative review, the department  
17 shall revoke the person's driver's license or permit, privilege to drive, or privilege to  
18 obtain a license or permit, effective 10 [SEVEN] days after delivery to the person of  
19 the notice required under (a) of this section, upon receipt of a sworn report of a peace  
20 officer

21 (1) that the officer had probable cause to believe that the person is at  
22 least 14 years of age but not yet 21 years of age and has violated one of the offenses  
23 described in (a) of this section [POSSESSED OR USED A CONTROLLED  
24 SUBSTANCE IN VIOLATION OF AS 11.71, OR A MUNICIPAL ORDINANCE  
25 WITH SUBSTANTIALLY SIMILAR ELEMENTS, OR POSSESSED OR  
26 CONSUMED ALCOHOL IN VIOLATION OF AS 04.16.050 OR A MUNICIPAL  
27 ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS, OPERATED A  
28 VEHICLE AFTER CONSUMING ALCOHOL IN VIOLATION OF AS 28.35.280, OR  
29 REFUSED TO SUBMIT TO A CHEMICAL TEST OF BREATH UNDER  
30 AS 28.35.285];

31 (2) that the peace officer has cited or arrested the person [OR

1 ARRESTED THE PERSON] for

2 (A) a violation of AS 11.71, AS 04.16.050, AS 28.35.280, or  
3 28.35.285; or

4 (B) possession or use of a controlled substance or alcohol in  
5 violation of a municipal ordinance with substantially similar elements;

6 (3) that notice under (a) of this section was provided to the person; and

7 (4) describing the circumstances surrounding the offense [VIOLATION  
8 OF THE CONTROLLED SUBSTANCES PROVISIONS OF AS 11.71, THE  
9 ALCOHOLIC BEVERAGES PROVISIONS OF AS 04.16.050, OR THE MUNICIPAL  
10 ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS, THE MINOR  
11 OPERATING A VEHICLE AFTER CONSUMING ALCOHOL UNDER  
12 PROVISIONS OF AS 28.35.280, OR THE MINOR REFUSING TO SUBMIT TO A  
13 CHEMICAL TEST OF BREATH UNDER PROVISIONS OF AS 28.35.285].

14 \* Sec. 3. AS 28.15.183(d) is amended to read:

15 (d) The department shall impose the revocation required under this section

16 (1) for a first revocation, for a period of 30 [90] days;

17 (2) for a second revocation, for a period of 60 days [ONE YEAR];

18 [OR]

19 (3) for a third [OR SUBSEQUENT] revocation, for a period of 90

20 days; or

21 (4) for a fourth or subsequent revocation, for a period of one year

22 [THREE YEARS].

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

24 (f) A revocation imposed under this section shall be consecutive to a  
25 revocation imposed under another provision of law, except that (1) a revocation  
26 imposed under this section shall be concurrent with a prior revocation imposed  
27 under this section; and (2) a revocation imposed under this section for an offense  
28 for which a revocation is required under AS 28.15.185 shall be concurrent with a  
29 revocation imposed under AS 28.15.185 that is based on the same incident. A  
30 [DEPARTMENT HEARING OFFICER MAY GRANT LIMITED LICENSE  
31 PRIVILEGES IN ACCORDANCE WITH THE STANDARDS SET OUT IN

1 AS 28.15.201 TO A] person whose driver's license, permit, or privilege was revoked  
2 for a period of at least 60 days under this section may apply for limited license  
3 privileges under AS 28.15.201(d). A person whose driver's license, permit, or  
4 privilege to drive was revoked for a period of more than one year under this  
5 section may apply for reinstatement as provided under (i) of this section.

6 \* Sec. 5. AS 28.15.183 is amended by adding a new section to read:

7 (j) A person whose driver's license, permit, or privilege was revoked under  
8 this section may apply for reinstatement of the person's driver's license as provided in  
9 this subsection. A person may apply to the department for reinstatement by filing a  
10 written request for review of the revocation imposed under this section with the  
11 department. The department shall issue a new license or reissue the person's driver's  
12 license

13 (1) as provided under AS 28.15.211(d) if the department finds that

14 (A) the application for reinstatement is filed at least one year  
15 after the person's license, permit, or privilege was revoked;

16 (B) the person complies with (g) of this section; and

17 (C) the person has not violated a provision of this title or a  
18 regulation of the department since the revocation; or

19 (2) immediately if

20 (A) the offense described under (a) of this section for which the  
21 person was cited or arrested is not prosecuted or the prosecution results in  
22 dismissal by a court; or

23 (B) a court or jury finds that the person is not guilty of the  
24 offense described under (a) of this section for which the person was cited or  
25 arrested.

26 \* Sec. 6. AS 28.15.184(b) is amended to read:

27 (b) A request for review of the department's revocation under AS 28.15.183  
28 shall be made within 10 [SEVEN] days after receipt of the notice under AS 28.15.183  
29 or the right to review is waived and the action of the department under  
30 AS 28.15.183(c) is final. If a written request for a review is made after expiration of  
31 the 10-day [SEVEN-DAY] period, and if it is accompanied by the applicant's verified

1 statement explaining the failure to make a timely request for a review, the department  
2 shall receive and consider the request. If the department finds that the person was  
3 unable to make a timely request because of lack of actual notice of the revocation or  
4 because of factors of physical incapacity such as hospitalization or incarceration, the  
5 department shall waive the period of limitation, reopen the matter, and grant the review  
6 request.

7 \* Sec. 7. APPLICABILITY. (a) Section 5 of this Act applies to a driver's license  
8 revocation occurring before, on, or after the effective date of this Act.

9 (b) Sections 1 - 4 and 6 of this Act apply to a driver's license revocation for an  
10 offense that occurs on or after the effective date of this Act.

**LEGAL SERVICES****DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

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

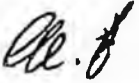
130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

May 16, 1999

**SUBJECT:** Sectional Summary of SCS CSHB 151()  
(Work Order No. 1-LS7492\P)

**TO:** Senator Robin Taylor  
Attn: Mel

**FROM:** Michael F. Ford   
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** This section increases from seven to 10 days the time period in which a person who is at least 14 but not yet 21 may appeal a driver's license revocation for possession or consumption of alcohol, use of a controlled substance, operation of a vehicle after consuming alcohol, or refusal to take a breath test.

**Section 2.** This section makes conforming amendments for changes in sec. 1.

**Section 3.** This section changes the revocation periods to 30 days for a first offense, 60 days for a second offense, 90 days for a third offense, and a year for a fourth or subsequent offense.

**Section 4.** This section provides that for a person who receives multiple periods of driver's license revocation under AS 28.15.183, the revocation periods run concurrently. Also a person who receives a license revocation of at least 60 days can apply for a limited license and a person who has more than a year of license revocation may apply for reinstatement under the provisions of sec. 5.

**Section 5.** Allows a person to have their license reinstated if the person has had their license revoked for at least a year, the person completes alcoholism or drug treatment, and the person has no other violations. Also provides for immediate reinstatement of the license if the state fails to prosecute the offense that triggers the license revocation, the case is dismissed, or if the person is found not guilty.

Senator Robin Taylor  
May 16, 1999  
Page 2

**Section 6.** This section makes conforming amendments for changes to section 1.

**Section 7.** Provides that sec. 5, regarding reinstatement of a drivers license, applies to offenses occurring before, on, or after the effective date of this Act. Provides that other than sec. 5, the provisions of this Act apply to offenses occurring after the effective date of the Act.

MFF:lmb  
99-088.lmb

SENATE FINANCE COMMITTEE

SIGN-IN

HB 151-REVOCATION OF MINOR DRIVER'S LICENSE

NAME: Alan Carpenter Sub./Bill No: 151  
Co./Dept./Title: Law Phone: 3428  
Address: Room 717 Court Bldg Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond to Questions

NAME: Juanita Hensley Sub./Bill No: 151  
Co./Dept./Title: ADMIN / DMV Phone: 5648  
Address: Box 110200 Zip: 99811

Do you wish to testify?  Yes  No  Respond to Questions

NAME: \_\_\_\_\_ Sub./Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond to Questions

NAME: \_\_\_\_\_ Sub./Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond to Questions