

**HB**

**40**

## CS FOR HOUSE BILL 40(FIN)

**SUMMARY:** Requires the court to revoke for one year the driving privileges of a person who violated traffic laws in a way that was a significant contributing cause of an accident that resulted in a death.

### Sectional Analysis

**Sections 1 and 4** provide for a mandatory court appearance for a driver who has violated a traffic law and the accident resulted in death. Section 4 requires a 2/3 vote because Section 1 indirectly amends a court rule.

**Section 2** provides for a mandatory court revocation of driving privileges for one year if the court finds by clear and convincing evidence that the driver's violation of a traffic law contributed significantly to an accident that caused the death of another person. The court can, however, grant a limited license if the person's ability to earn a livelihood would be severely impaired, or the person's ability to act as primary caregiver to another who is disabled would be severely impaired.

**Section 3** defines "traffic law" according to the current definition that includes statutes, regulations and municipal ordinances that govern the driving or movement of motor vehicles.

**Section 5** makes the new law applicable to accidents occurring on or after the effective date set out in **Section 6** of September 1, 2001 (must be amended to 2002).

**Examples:** These are actual cases of the type that CSHB 40(FIN) is intended to address:

Case 1 – A man driving along Glenn Highway into Anchorage one summer afternoon fell asleep at the wheel and violated a traffic regulation by driving onto the bike path. His car struck and killed a woman riding her bicycle on the bike path.

Case 2 – A woman drove from Anchorage to Cooper Landing, where she violated a traffic law by crossing the double yellow line and crashing into another car head on, killing the driver of the other car.

Case 3 – A teenage girl drove down Dimond Boulevard in Anchorage late at night. She violated a traffic law by driving over the median and collided with another vehicle head-on, killing the driver of the other car.

Case 4 –On a winter night, the driver of a pick-up truck on C Street in Anchorage was going under the posted speed limit, but still too fast for icy conditions. This is a violation of the state's "basic speed" law, which prohibits driving faster than is safe under existing road and weather conditions. The driver lost control and crossed into the opposite lane, hitting another car, and killing Albert Taylor's son.

In all these cases, alcohol and drug tests were negative, and there was no reported erratic driving prior to the collisions. There was no evidence of mechanical causes for the collisions.

No criminal prosecutions were possible because the state could not prove that the driver acted recklessly or with criminal negligence.

Prepared by the Department of Law 2-20-02

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 40(FIN)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An act providing for the revocation BRU Motor Vehicles  
of driving privileges by a court.... Component \_\_\_\_\_  
 Sponsor House Rules for Governor  
 Requester Senate Judiciary Component No. 2348

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

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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 ( 1005 )</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>
------------------------------------	------------	------------	------------	------------	------------	------------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

There will be approximately 10 revocations per year and the reinstatement fee for each driver is \$100. The 10 revocations is only a very small fraction of the total revocation workload and will not require extra expenditure.

Prepared by: Charles R. Hosack  
 Division: Motor Vehicles  
 Approved by: Jim Duncan, Commissioner  
 Agency: Department of Administration

Phone 269-5559  
 Date/Time 2/6/02 8:19 AM  
 Date 2/6/2002

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB 40 (FIN)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
Title "An Act relating to revocation of driving privileges BRU Criminal Division  
by a court . . . in connection with a fatal motor vehicle accident . . ." Component 1st-4th Judicial Districts; Criminal  
Sponsor Rules Committee by Request Appeals/Special Litigation  
Requester Senate Judiciary Committee 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 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<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 (FY2002) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
CSHB 40 (FIN) 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 was a significant contributing cause 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 Phone (907) 465-5370  
Division: Attorney General's Office Date/Time 2/8/02 12:51 PM  
Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 2/8/2002  
Agency: Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 40 (FIN)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title "An Act relating to license BRU Legal and Advocacy Services  
revocation for fatal accident..." Component Public Defender Agency  
 Sponsor House Rules for Governor  
 Requester Senate Judiciary Component No. 1631

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

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	.	.	.	.	.	.

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

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	.	.	.	.	.	.

Estimate of any current year (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The Public Defender Agency's operations may be affected by this bill. Drivers generally do not have a right to a court-appointed attorney in traffic violation proceedings. However, the Alaska Supreme Court has held that a person has a right to a jury trial (and court-appointed counsel) for people who cannot afford to hire a lawyer for offenses which may result in loss of a valuable license such as a driver's license. Baker v. City of Fairbanks, 471 P. 2d 386 (Alaska 1970). The Public Defender Agency does not anticipate many of these cases and does not have a reliable way of estimating the costs. Therefore, there is a possibility that the courts might decide to appoint an attorney. However, the Public Defender Agency does not anticipate that there would be many cases even if we were appointed. Therefore, an indeterminate fiscal note is being submitted.

Prepared by: Barbara Brink, Director Phone (907) 334-4416  
 Division Public Defender Agency Date/Time 2/6/02 8:10 AM  
 Approved by: Jim Duncan, Commissioner Date 2/6/2002  
 Agency Department of Administration

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: HB 40  
 (H) Publish Date: 1/10/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title: "An Act relating to revocation of driving privileges  
by a court . . . in connection with a fatal motor vehicle accident . . ." BRU Criminal Division  
 Sponsor: Rules Committee Component: 1st-4th Judicial Districts; Criminal  
Appeals/Special Litigation  
 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 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 (FY2001) cost: 0.0

**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 Phone 465-5370  
 Division: Attorney General's Office Date/Time 1/5/01 1:36 PM  
 Approved by: Kathryn Duaghhetee for Bruce M. Botelho, Attorney General Date 1/5/01  
 Agency: Department of Law

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: HB 40  
 (H) Publish Date: 1/10/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: License Revocation fro Fatal Accidents BRU: Legal and Advocacy Serv  
 Component: Public Defender Agency  
 Sponsor: Rules Committee  
 Requester: Governor Component Number: 1631

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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>						
-------------------------------	--	--	--	--	--	--

**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 (FY2001) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The Public Defender Agency's operations may be affected by this bill. Drivers generally do not have a right to a court-appointed attorney in traffic violation proceedings. However, the Alaska Supreme Court has held that a person has a right to a jury trial (and court-appointed counsel) for offenses which may result in loss of valuable license such as a driver's license. Baker v. City of Fairbanks, 471 P. 2d 386 (Alaska 1970). The Public Defender Agency does not anticipate many of these cases and does not have a reliable way of estimating the costs. Therefore, the fiscal impact is indeterminate.

Prepared by: Barbara K. Brink, Director Phone (907) 334-4414  
 Division: Public Defender Agency Date/Time 11/07/00 3PM  
 Approved by: Alison Elgøe, Deputy Commissioner Date 11/8/00  
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 40  
 (H) Publish Date: 1/10/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: License Revocation for Fatal Accidents BRU: Motor Vehicles  
 Component: \_\_\_\_\_  
 Sponsor: Rules Committee  
 Requester: Governor Component Number: 2348

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>
-------------------------------	------------	------------	------------	------------	------------	------------

**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 (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

There will be approximately 10 revocations per year and the reinstatement fee for each driver is \$100. The 10 revocations are only a small fraction of the total revocation workload and will not require extra expenditure.

Prepared by: Charles R. Hosack Phone 269-5559  
 Division: Motor Vehicles Date/Time 11/1/00 12:00 AM  
 Approved by: Alison Elgee, Deputy Commissioner Date 11/8/00  
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

# STATE OF ALASKA

DEPARTMENT OF LAW  
CRIMINAL DIVISION

TONY KNOWLES,  
GOVERNOR

Mailing: PO Box 110300  
Juneau, AK 99811-0300  
Delivery: 123 4<sup>th</sup> Street, Ste 717  
Juneau, AK 99801  
Phone: (907) 485-3428  
Fax: (907) 485-4043

January 12, 2001

JAN 12 2001

2:50 pm fo

The Hon. Norman Rokeberg, Chair  
House Judiciary Committee  
Alaska State Legislature  
State Capitol, Room 118  
Juneau, AK 99801

Re: HB 40 (Revocation of Driving Privileges)

Dear Rep. Rokeberg:

House Bill 40 was introduced January 10, 2001, and referred to your committee. I am writing to request that the bill be scheduled for a hearing at your earliest convenience.

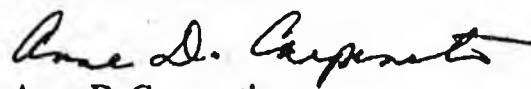
The bill requires that a court revoke the driving privileges of a driver who violates the traffic laws, and the violation contributes to an automobile accident that results in a death. Drivers who violate traffic laws may not have committed a crime, but if their poor driving causes the death of another person, their driving privileges should be revoked. Several traffic deaths occur in Alaska every year when a driver causes the death of another by poor driving and the only consequence is a small fine. This is very difficult for the families of the victims. House Bill 40 provides for a one-year revocation of driving privileges 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. Thank you for your consideration of this request.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:



Anne D. Carpeneti  
Assistant Attorney General

ADC:vr

Information  
Statement



Here are four actual cases of the type that HB 40 is intended to address.

**Case 1** – A man driving along Glenn Highway into Anchorage one summer afternoon fell asleep at the wheel and violated a traffic regulation by driving onto the bike path. His car struck and killed a woman riding her bicycle on the bike path.

**Case 2** – A woman drove from Anchorage to Cooper Landing, where she violated a traffic law by crossing the double yellow line and crashing into another car head on, killing the driver of the other car.

**Case 3** – A teenage girl drove down Dimond Boulevard in Anchorage late at night. She violated a traffic law by driving over the median and collided with another vehicle head-on, killing the driver of the other car.

**Case 4** – On a winter night, the driver of a pick-up truck on C Street in Anchorage was going under the posted speed limit, but still too fast for icy conditions. This is a violation of the state's "basic speed" law, which prohibits driving faster than is safe under existing road and weather conditions. The driver lost control and crossed into the opposite lane, hitting another car, and killing Albert Taylor's son.

In all these cases, alcohol and drug tests were negative, and there was no reported erratic driving prior to the collisions. There was no evidence of mechanical causes for the collisions.

No criminal prosecutions were possible because the state could not prove that the driver acted recklessly or with criminal negligence.

### Sectional Analysis

**Sections 1 and 4** provide for a mandatory court appearance for a driver who has violated a traffic law and the accident resulted in death. Section 4 requires a 2/3 vote because Section 1 indirectly amends a court rule.

**Section 2** provides for a mandatory court revocation of driving privileges for one year if the court finds that the driver's violation of a traffic law contributed to an accident that caused the death of another person. The court can, however, grant a limited license if the person's ability to earn a livelihood would be severely impaired.

**Section 3** defines "traffic law" according to the current definition that includes statutes, regulations and municipal ordinances that govern the driving or movement of motor vehicles.

**Section 5** makes the new law applicable to accidents occurring on or after the effective date set out in **Section 6** of September 1, 2001.

Representative Norman Rokeberg  
February 28, 2001  
Page 2

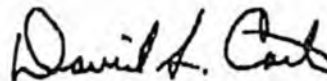
---

the purview of HB 40 would not involve imprisonment, a finding by the court under the bill as worded probably would not be admissible under the *Scott v Robertson* holding, unless violation of the traffic law was punishable by imprisonment, e.g., driving under the influence.

There are any number of reasons why someone may not contest a traffic citation. My basic point is that the proposed legislation should not affect, one way or the other, a civil action arising out of the motor vehicle accident. Upon reflection, there probably is no need to add additional language to the proposed bill in light of existing Alaska law.

Thank you for your consideration of these comments.

Sincerely yours,



David S. Carter

DSC:ph/141894

# ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chair  
Sen. Dave Donley, Vice-Chair  
Sen. John Cowdery  
Sen. Gene Therriault  
Sen. Johnny Ellis




State Capitol  
Juneau, AK 99801-1  
(907) 465-3717  
Fax: 465-3922

## Senate Judiciary Committee

Date: January 18, 2002

To: Legal Services

From:  Darrell Thomas, Judiciary Aide

Subject: HB 40

Please prepare a Work Draft CS of CSHB40, incorporating the changes made to the attached copy of the bill.

We have this scheduled for hearing in Senate Judiciary Committee on March 27.

Please call me at Ext. 3717 if you have any questions or cannot read the handwriting on the bill.

Thank you.

**CS FOR HOUSE BILL NO. 40(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 4/21/01**

**Referred: Rules**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

6 **\* Section 1.** AS 28.05.151 is amended by adding a new subsection to read:

7 (e) The supreme court, in establishing scheduled amounts of bail under this  
8 section, and each municipality that establishes or has established a fine schedule under  
9 this section may not allow for the disposition of an offense without court appearance  
10 for a person who is cited for violation of the traffic laws in connection with a motor  
11 vehicle accident if the accident resulted in the death of a person. In this subsection,  
12 "traffic laws" has the meaning given in AS 28.15.261.

13 **\* Sec. 2.** AS 28.15 is amended by adding a new section to read:

14 **Sec. 28.15.182. Court revocation of license for accident causing death. (a)**

1 A court convicting a person for a violation of the traffic laws shall revoke the driver's  
2 license, privilege to drive, or privilege to obtain a license of a person if the court finds  
3 by clear and convincing evidence that

4 (1) the person was operating a motor vehicle or commercial motor  
5 vehicle that was involved in an accident;

6 (2) the accident caused the death of another person; and

7 (3) the violation of traffic laws by the person was a significant  
8 contributing cause of the accident. *may be for a period up to*

9 (b) The ~~period of~~ revocation under (a) of this section is ~~one year~~. This period *three*  
10 is concurrent with any other period of revocation under AS 28.15.165 or 28.15.181, or *years*  
11 any other action imposed by the department or court in connection with the accident.

12 (c) A court revoking a person's driver's license, privilege to drive, or privilege  
13 to obtain a license under (a) of this section may consider a request for a limited license  
14 by the person. A court may not grant a limited license if another statute prohibits a  
15 limited license for violation of its provisions. A court shall require a certification of  
16 employment to prove any claim based on the person's employment and a certification  
17 of need by a licensed health care practitioner to prove a claim based on care for  
18 another person. After a review has been made of the person's driving record and other  
19 relevant information, the court may grant limited license privileges for all or part of  
20 the period of revocation if the court finds that a limitation can be placed on the license  
21 that will enable the person to drive without danger to the public and that, without a  
22 limited license,

23 (1) the person's ability to earn a livelihood would be severely impaired;  
24 or

25 (2) the person would be severely impaired in acting as the primary  
26 caregiver for someone with a debilitating physical or mental condition.

27 (d) When imposing a limitation under (c) of this section, the court shall

28 (1) require the surrender of the driver's license; and

29 (2) issue to the person a certificate valid for the duration of the  
30 limitation specifying the terms of the limited license.

31 (e) ~~The findings made by the court under (a) of this section are not admissible~~

*Asst A*

1 ~~in a civil, criminal, or administrative action arising out of the motor vehicle accident.~~

2 \* **Sec. 3.** AS 28.15.219 is amended by adding a new paragraph to read:

3 (4) "traffic laws" has the meaning given in AS 28.15.261.

4 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

6 **INDIRECT COURT RULE AMENDMENT.** (a) AS 28.05.151(e), added by sec. 1 of  
7 this Act, has the effect of amending Rules 43 and 43.1, Alaska Rules of Administration, by  
8 not allowing for the disposition of an offense without a court appearance for certain violations  
9 of traffic laws in connection with a motor vehicle accident or a commercial motor vehicle  
10 accident resulting in the death of a person.

11 (b) Section 1 of this Act takes effect only if (a) of this section receives the two-thirds  
12 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

13 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 **APPLICABILITY.** This Act applies to actions taken regarding a motor vehicle or  
16 commercial motor vehicle accident that caused the death of a person and that occurred on or  
17 after the effective date of this Act.

18 \* **Sec. 6.** This Act takes effect September 1, 2001.

1A

(e) A representative of the family of a person who died in the accident may testify at any hearing addressing a revocation under (a) of this section or a request for a limited license under (c) of this section.