

HB

1900

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 190(JUD)
(H) Publish Date: 2/13/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: "An Act relating to the purchase of alcoholic beverages..." RDU: Division of Motor Vehicles
Component: Motor Vehicles
Sponsor: Rep. Crawford
Requester: (H) Jud Component No.: 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**	**	**	**	**	**

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	**	**	**	**	**	**
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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--Do not abbreviate)						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires the Division of Motor Vehicles (DMV) to physically 'mark' a driver's license or a State issued Identification Card if the holder's privilege to purchase alcohol has been restricted. The DMV today has no direct knowledge of a persons conditions of probation or parole.

Until the number of customers and method of information transmission is ascertained in conjunction with the Alaska Court System, the DMV has no ability to measure the impact this will have on our planned operation. As a result we respectfully submit an 'indeterminate' fiscal note.

Once this information has been established, the DMV will provide a firm estimate of costs incurred and revenue generated as a result.

Prepared by: Duane Bannock, Director Phone: 269 5008
Division: Motor Vehicles Date/Time: 2/9/06 9:00 AM
Approved by: Mike Tibbles, Deputy Commissioner Date: 2/9/2006
Agency: Department of Administration

Adopted

N/O

24-LS0617/P.2
Mischel
3/23/06

AMENDMENT

2

OFFERED IN THE HOUSE

BY REPRESENTATIVE MEYER

TO: CSHB 190(), Draft Version "P"

1 Page 3, line 3:

2 Delete "NEOC"

3 Insert "ROC"

4

5 Page 3, line 7, following "photograph."":

6 Insert "In this section, "ROC" is an abbreviation for "restriction on
7 consumption."

adopted 3/24/06

AMENDMENT

3

OFFERED IN THE HOUSE

BY REPRESENTATIVE MEYER

TO: CSHB 190(), Draft Version "P"

1 Page 2, line 5, following "beverages.":

2 Insert "(a)"

3

4 Page 2, following line 12:

5 Insert a new subsection to read:

6 "(b) A court imposing a restriction on a person under (a) of this section, and
7 the Department of Corrections, shall notify the person that an identification card
8 issued under AS 18.65.310 must list the restriction imposed for the period of the
9 person's probation or parole."

10

11 Page 2, following line 19:

12 Insert a new bill section to read:

13 **** Sec. 4.** AS 18.65.310 is amended by adding new subsections to read:

14 (h) The department shall cancel the identification card of a person on whom a
15 restriction has been imposed under AS 04.16.160 unless the person's identification
16 card contains the information required by (i) of this section.

17 (i) The department shall, to the extent it is able, mark the identification card of
18 an applicant whose privilege to purchase alcohol has been restricted under
19 AS 04.16.160 in the same manner required for a driver's license under AS 28.15.111.

20 (j) The department may by regulation set a fee for issuance of an identification
21 card under (i) of this section. The fee must meet the requirements of AS 04.16.160."

22

23 Renumber the following bill sections accordingly.

1

2 Page 3, line 30, following "AS 04.16.160":

3 Insert "for the period of probation or parole"

adopted N/O 3/24/06

CONCEPTUAL AMENDMENT

4

OFFERED IN THE HOUSE FINANCE COMMITTEE BY REPRESENTATIVE MEYER
TO: CS HB 190 ()
Version 24-LS0617P

- 1 Page 3, line 31
- 2 Delete "Department of Corrections"
- 3 Insert "Alaska Parole Board"
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3/24/06
adopted 40
AMENDMENT 5

OFFERED IN THE HOUSE FINANCE COMMITTEE BY REPRESENTATIVE MEYER
TO: CS HB 190()
Version 24-LS0617AP

- 1 Page 3, line 22
- 2 Following "conviction of a crime"
- 3 Insert "under AS 28.35.030 or 28.35.032"
- 4
- 5 Page 3, line 23
- 6 Following "parole"
- 7 Insert "from a conviction under AS 28.35.030 or 28.35.032"
- 8
- 9 Page 4, line 2
- 10 Following "parole"
- 11 Insert "from a conviction under AS 28.35.030 or 28.35.032"
- 12
- 13 Page 4, line 3
- 14 Delete "AS 28.15.760"
- 15 Insert "AS 28.15.161"
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FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 190(JUD)
(H) Publish Date: 2/13/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An act relating to the purchase of alcoholic beverages and to access to licensed premises... RDU: Legal and Advocacy Services
Component: Office of Public Advocacy
Sponsor: Rep. Crawford
Requester: (H) Judiciary Component No.: 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

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 (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would deny a person the privilege to purchase alcoholic beverages (AS 4.16.160) or enter premises (AS 4.16.047) that serve alcoholic beverages if the person has been ordered to refrain from consuming alcoholic beverages as part of a sentence for a crime under AS 28.35.030 or as a condition of probation or parole. This legislation would also provide a private right of civil action for a licensee against a person who enters a licensed premises in violation of the aforementioned. Finally, this legislation would require that driver's licenses be designed to allow the electronic reading and display of the person's identifying information and whether the person's privilege to purchase alcohol has been restricted under AS 4.16.160.

This legislation should have no fiscal impact on OPA.

Prepared by: Joshua P. Fink, Director Phone: 907-269-3500
Division: Office of Public Advocacy Date/Time: 2/8/06 at 7:50 p.m.
Approved by: Mike Tibbles, Deputy Commissioner Date: 2/8/2006
Agency: Administration

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 190(JUD)
(H) Publish Date: 2/13/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: "An Act relating to the purchase of alcoholic beverages..." RDU: Division of Motor Vehicles
Sponsor: Rep. Crawford Component: Motor Vehicles
Requester: (H) Jud Component No.: 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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CAPITAL EXPENDITURES						
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1005 GF Program Receipts						
1037 GF/Mental Health						
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TOTAL	**	**	**	**	**	**

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POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires the Division of Motor Vehicles (DMV) to physically 'mark' a driver's license or a State issued Identification Card if the holder's privilege to purchase alcohol has been restricted. The DMV today has no direct knowledge of a persons conditions of probation or parole.

Until the number of customers and method of information transmission is ascertained in conjunction with the Alaska Court System, the DMV has no ability to measure the impact this will have on our planned operation. As a result we respectfully submit an 'indeterminate' fiscal note.

Once this information has been established, the DMV will provide a firm estimate of costs incurred and revenue generated as a result.

Prepared by: Duane Bannock, Director Phone 269 5008
Division: Motor Vehicles Date/Time 2/9/06 9:00 AM
Approved by: Mike Tibbles, Deputy Commissioner Date 2/9/2006
Agency: Department of Administration

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 25, 2006

SUBJECT: CSHB 190 (FIN) (Work Order No. 24-LS0617\R)

TO: Representative Mike Chenault
Representative Kevin Meyer
Co-chairs of House Finance Committee
Attn: Shar

FROM: Pam Finley *PF*
Revisor of Statutes

Enclosed is the CS you requested. Note that conceptual amendment #4 changed "Department of Corrections" to the "board of parole" (we gave it its official title under AS 33.16.020) at page 4, line 15 of the CS, but in amendment P.1, "Department of Corrections" is used at page 2, line 14 of the CS. This isn't a legal problem, but we wondered if the inconsistency was intended.

PF:lmb
06-120.lmb

Enclosure

adopted 3/24/06

24-LS0617P
Luckhaupt
3/21/06

CS FOR HOUSE BILL NO. 190()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES CRAWFORD, Lynn

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the purchase of alcoholic beverages and to access to licensed
 2 premises; relating to civil liability for certain persons access ing licensed premises;
 3 requiring driver's licenses and identification cards to be marked if a person is restricted
 4 from consuming alcoholic beverages as a result of a conviction or condition of probation
 5 or parole and relating to fees for the marked license; and requiring the surrender and
 6 cancellation of driver's licenses under certain circumstances."

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

8 * Section 1. AS 04.16 is amended by adding a new section to read:

9 Sec. 04.16.047. Access of persons with restricted privileges. (a) A person
 10 who is not privileged to purchase alcohol under AS 04.16.160 may not knowingly
 11 enter or remain in premises licensed under this title to obtain or consume alcohol.

12 (b) A licensee may bring a civil action against a person who violates this
 13 section if the violation occurs on the premises of that licensee. If judgment is entered

1 in favor of the licensee, the court shall award civil damages in the amount of \$1,000
2 and award reasonable costs and reasonable attorney fees allowed under the Alaska
3 Rules of Civil Procedure.

4 * Sec. 2. AS 04.16 is amended by adding a new section to read:

5 Sec. 04.16.160. Privilege to purchase alcoholic beverages. Except as
6 otherwise provided by law, a person who is 21 years of age or older has a privilege to
7 purchase alcoholic beverages, unless the person has been ordered to refrain from
8 consuming alcoholic beverages as part of a sentence for conviction of a crime under
9 AS 28.35.030 or 28.35.032 or as a condition of probation or parole from a conviction
10 under AS 28.35.030 or 28.35.032. A person whose privilege to purchase alcohol has
11 been restricted shall be required to pay an enhanced fee to have a driver's license or
12 identification card issued with the information required under AS 28.15.111(a)(6).

13 * Sec. 3. AS 04 21.050(b) is amended to read:

14 (b) Except as provided in AS 04.16.160, a [A] valid driver's license or a
15 valid identification card is acceptable as proof of age when used for identification in
16 the purchase of alcoholic beverages and for securing entry to and remaining on
17 premises where alcoholic beverages are sold if the license or identification card is
18 made of or encased in plastic and contains a photograph of the licensee [LICENSE] or
19 card holder and a statement of age or date of birth.

20 * Sec. 4. AS 28.15.111(a) is amended to read:

21 (a) Upon successful completion of the application and all required
22 examinations, and upon payment of the required fee, the department shall issue to
23 every qualified applicant a driver's license indicating the type or general class of
24 vehicles that the licensee may drive. The license must [DISPLAY] (1) display a
25 distinguishing number assigned to the license; (2) display the licensee's full name,
26 address, date of birth, brief physical description, and color photograph; (3) display
27 either a facsimile of the signature of the licensee or a space upon which the licensee
28 must write the licensee's usual signature with pen and ink; (4) display a holographic
29 symbol intended to prevent illegal alteration or duplication; [AND] (5) display, for a
30 qualified applicant who is under [AGE] 21 years of age, the words "UNDER 21"; and
31 (6) to the extent the department is able, be designed to allow the electronic

1 reading and electronic display of the information described under (2) of this
2 subsection and the electronic reading and display and a physical display on the
3 license of the letters "NEOC" if the person's privilege to purchase alcohol has
4 been restricted under AS 04.16.160. A license may not display the licensee's social
5 security number and is not valid until signed by the licensee. If facilities are not
6 available for the taking of the photograph required under this section, the department
7 shall endorse on the license, the words "valid without photograph."

8 * Sec. 5. AS 28.15.161(a) is amended to read:

9 (a) The department shall cancel a driver's license upon determination that

10 (1) the licensee is not medically or otherwise entitled to the issuance or
11 retention of the license, or has been adjudged incompetent to drive a motor vehicle;

12 (2) there is an error or defect in the license;

13 (3) the licensee failed to give the required or correct information in the
14 licensee's application; [OR]

15 (4) the license was obtained fraudulently; or

16 (5) the licensee has been restricted from purchasing alcoholic
17 beverages under AS 04.16.160; if a license is cancelled under this paragraph,
18 when a new license is issued, it must reflect that restriction and the requirements
19 of AS 28.15.111.

20 * Sec. 6. AS 28.15.191 is amended by adding new subsections to read:

21 (g) A court that has ordered a person to refrain from consuming alcoholic
22 beverages as part of a sentence for conviction of a crime or as a condition of probation
23 or parole shall

24 (1) require the surrender of the person's license and forward the license
25 to the department;

26 (2) report the order to the department within two days; and

27 (3) inform the person that the person's license is subject to cancellation
28 under AS 28.15.161 and, if the person is otherwise qualified to receive a license, when
29 the person obtains a new license the license must list the restriction imposed by
30 AS 04.16.160.

31 (h) The Department of Corrections shall notify the department within two

1 days whenever a person has been ordered to refrain from consuming alcoholic
2 beverages as a condition of parole and shall inform the person that the person's license
3 is subject to cancellation under AS 28.15.760, and that, if the person is otherwise
4 qualified to receive a license, when the person obtains a new license the license must
5 list the restriction imposed by AS 04.16.160.

6 * **Sec. 7.** AS 28.15.271 is amended by adding a new subsection to read:

7 (e) The department may by regulation set a fee for issuance of a new license to
8 replace a license cancelled under AS 28.15.161(a)(5) because the person's privilege to
9 purchase alcoholic beverages under AS 04.16.160 has been restricted or revoked. The
10 fee must meet the requirements of AS 04.16.160.

Alaska State Legislature
House of Representatives

Alaska State Capitol
Juneau, Alaska 99801-1182
1-907-465-3438 (phone)
1-888-478-3438 (toll free)
1-907-465-4565 (fax)



Interim Address:
716 West Fourth Avenue
Anchorage, Alaska 99501-2133
(phone) 1-907-269-0100
(fax) 1-907-269-0105

Representative Harry T. Crawford, Jr.

East Anchorage District 21

E-mail: Representative_Harry_Crawford@legis.state.ak.us

Website www.akdemocrats.org

Changes to CS for HB 190 (IUD) in blank CS version \X

Section 1:

Line 10-11 – Replaced “obtain alcohol for personal consumption” with “obtain or consume alcohol”

Previous language may have allowed a person who purchases alcohol in violation of their court order to claim they were purchasing the alcohol for another person and escape the civil action under subsection (b). The language in version \X closes this loophole.

Section 2:

Line 6 – added “Except as otherwise provided by law”

Clarifies the privilege to purchase alcohol established in HB 190 does not supersede any other restrictions against purchasing alcohol that exist in statute.

Line 9 – eliminated “under AS 28.35.030” after “conviction of a crime”

Removes specific reference to drunken driving convictions allowing the provisions of a marked license to apply to any court order prohibiting a person from purchasing alcohol.

Section 4:

Line 6 – Added “to the extent that the department is able”

DMV is not currently able to display ID photos electronically. This language allows for the possibility of that technology to be used by the DMV in the future.

Section 5:

New section.

Requires the DMV to cancel and reissue a ‘marked’ license if an individual’s privilege to purchase alcohol has been revoked under Section 2 of HB 190.

Section 6:

New section.

Requires the surrender of a license when an individual has been ordered not to consume alcohol.
Establishes the obligation of the court and the Department of Corrections to notify the DMV when an order issued.

Section 7:

New section.

Permits the DMV to establish a fee for issuing the 'marked' licenses established by HB 190.

Alaska State Legislature
House of Representatives

Alaska State Capitol
Juneau, Alaska 99801-1182
1-907-465-3438 (phone)
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Interim Address
716 West Furth Avenue
Anchorage, Alaska 99501-2133
(phone) 1-907-269-0100
(fax) 1-907-269-0105

Representative Harry Crawford
District 21

SPONSOR STATEMENT FOR CS FOR HB 190

Alaska has some of the strictest drunken driving laws in the country, and yet our rates of alcoholism, and alcohol related crimes are among the highest in the nation.

HB 190 proposes a different approach. In an attempt to keep alcohol out of the hands of repeat drunk driving offenders, HB 190 provides for a physical display on state issued ID's if a person has been prohibited from purchasing alcohol by a court. It also allows for a civil penalty, paid to the licensee if a person restricted from purchasing alcohol is on their premises.

This is a strong step toward stopping problem drinkers from purchasing alcohol.

adopted 3/14/06

24-LS0617X
Luckhaupt
3/14/06

CS FOR HOUSE BILL NO. 190()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES CRAW' ORD, Lynn

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the purchase of alcoholic beverages and to access to licensed
 2 premises; relating to civil liability for certain persons accessing licensed premises;
 3 requiring driver's licenses and identification cards to be marked if a person is restricted
 4 from consuming alcoholic beverages as a result of a conviction or condition of probation
 5 or parole and relating to fees for the marked license; and requiring the surrender and
 6 cancellation of driver's licenses under certain circumstances."

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 11 enter or remain in premises licensed under this title to obtain or consume alcohol.

12 (b) A licensee may bring a civil action against a person who violates this
 13 section if the violation occurs on the premises of that licensee. If judgment is entered

1 in favor of the licensee, the court shall award civil damages in the amount of \$1,000
2 and award reasonable costs and reasonable attorney fees allowed under the Alaska
3 Rules of Civil Procedure.

4 * Sec. 2. AS 04.16 is amended by adding a new section to read:

5 Sec. 04.16.160. Privilege to purchase alcoholic beverages. Except as
6 otherwise provided by law, a person who is 21 years of age or older has a privilege to
7 purchase alcoholic beverages, unless the person has been ordered to refrain from
8 consuming alcoholic beverages as part of a sentence for conviction of a crime or as a
9 condition of probation or parole. A person whose privilege to purchase alcohol has
10 been restricted shall be required to pay an enhanced fee to have a driver's license
11 issued with the information required under AS 28.15.111(a)(6).

12 * Sec. 3. AS 04.21.050(b) is amended to read:

13 (b) Except as provided in AS 04.16.160, a [A] valid driver's license or a
14 valid identification card is acceptable as proof of age when used for identification in
15 the purchase of alcoholic beverages and for securing entry to and remaining on
16 premises where alcoholic beverages are sold if the license or identification card is
17 made of or encased in plastic and contains a photograph of the licensee [LICENSE] or
18 card holder and a statement of age or date of birth.

19 * Sec. 4. AS 28.15.111(a) is amended to read:

20 (a) Upon successful completion of the application and all required
21 examinations, and upon payment of the required fee, the department shall issue to
22 every qualified applicant a driver's license indicating the type or general class of
23 vehicles that the licensee may drive. The license must [DISPLAY] (1) display a
24 distinguishing number assigned to the license; (2) display the licensee's full name,
25 address, date of birth, brief physical description, and color photograph; (3) display
26 either a facsimile of the signature of the licensee or a space upon which the licensee
27 must write the licensee's usual signature with pen and ink; (4) display a holographic
28 symbol intended to prevent illegal alteration or duplication; [AND] (5) display, for a
29 qualified applicant who is under [AGE] 21 years of age, the words "UNDER 21"; and
30 (6) to the extent the department is able, be designed to allow the electronic
31 reading and electronic display of the information described under (2) of this

1 subsection and the electronic reading and display and a physical display on the
2 license of a statement of whether the person's privilege to purchase alcohol has
3 been restricted under AS 04.16.160. A license may not display the licensee's social
4 security number and is not valid until signed by the licensee. If facilities are not
5 available for the taking of the photograph required under this section, the department
6 shall endorse on the license, the words "valid without photograph."

7 * Sec. 5. AS 28.15.161(a) is amended to read:

8 (a) The department shall cancel a driver's license upon determination that

9 (1) the licensee is not medically or otherwise entitled to the issuance or
10 retention of the license, or has been adjudged incompetent to drive a motor vehicle;

11 (2) there is an error or defect in the license;

12 (3) the licensee failed to give the required or correct information in the
13 licensee's application; [OR]

14 (4) the license was obtained fraudulently; or

15 (5) the licensee has been restricted from purchasing alcoholic
16 beverages under AS 04.16.160; if a license is cancelled under this paragraph,
17 when a new license is issued, it must reflect that restriction and the requirements
18 of AS 28.15.111.

19 * Sec. 6. AS 28.15.191 is amended by adding new subsections to read:

20 (g) A court that has ordered a person to refrain from consuming alcoholic
21 beverages as part of a sentence for conviction of a crime or as a condition of probation
22 or parole shall

23 (1) require the surrender of the person's license and forward the license
24 to the department;

25 (2) report the order to the department; and

26 (3) inform the person that the person's license is subject to cancellation
27 under AS 28.15.161 and, if the person is otherwise qualified to receive a license, the
28 person must obtain a new license that lists the restriction imposed by AS 04.16.160.

29 (h) The Department of Corrections shall notify the department whenever a
30 person has been ordered to refrain from consuming alcoholic beverages as a condition
31 of parole and shall inform the person that the person's license is subject to cancellation

1 under AS 28.15.760, and that, if the person is otherwise qualified to receive a license,
2 the person must obtain a new license that lists the restriction imposed by
3 AS 04.16.160.

4 * Sec. 7. AS 28.15.271 is amended by adding a new subsection to read:

5 (e) The department may by regulation set a fee for issuance of a new license to
6 replace a license cancelled under AS 28.15.161(a)(5) because the person's privilege to
7 purchase alcoholic beverages under AS 04.16.160 has been restricted or revoked. The
8 fee must meet the requirements of AS 04.16.160.

*adopted
3-14-06*

AMENDMENT 1

OFFERED IN THE HOUSE
TO: CS HB 190 Version X

BY REPRESENTATIVE

Meyer

- 1 Page 3, line 27
- 2 Following "license," delete "the person must obtain a new license that lists" and insert
- 3 "when the person obtains a new license, the license must list"
- 4
- 5 Page 4, line 2
- 6 Delete "the person must obtain a new license that lists" and insert "when the person
- 7 obtains a new license, the license must list"

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



MADD

Activism Victim Services | Education™

Anchorage Chapter
4105 Turnagain Boulevard, Suite A • Anchorage, AK 99517
(907) 562-6890/Fax (907) 562-6896
Email: info@maddalaska.com
Visit our Web Site: www.maddalaska.com

Our Mission is to stop drunk driving, support the victims of this violent crime and prevent underage drinking

DATE: March 22, 2005

TO: Labor and Commerce Commission
Representative Tom Anderson, Chair
Representative Pete Kott
Representative Bob Lynn
Representative Norm Rokeberg
Representative David Guttenberg
Representative Gabriel LeDoux

FROM: Marti Greeson, Executive Director
MADD Anchorage Chapter

RE: HB 190

On behalf of the members, board of directors and staff of MADD in Anchorage, I am writing in support of HB 190.

The purchase of alcoholic beverages for persons over the age of 21 is a privilege, which can be and is revoked upon conviction for a DUI related offense. This revocation must be monitored and sales of alcohol refused to persons under order by the courts and/or as a consequence of probation or parole. Information provided on identification cards or driver's licenses will aid retailers and their agents in ensuring legal sales, and as a result reduce the recidivism rates for repeat offenders.

Heather D. Beaty

From: Brenda Moore [bmoore@christianhealth.org]
Sent: Tuesday, March 22, 2005 11:57 AM
To: Rep. Tom Anderson; Rep. David Guttenberg; Rep_Norm_Rokeberg@legis.state.ak.us;
Rep_Gabriel_LeDoux@legis.state.ak.us; Rep. Bob Lynn; Rep. Pete Kott
Cc: Rep. Harry Crawford
Subject: HB 190

To: Labor & Commerce Committee

From: Brenda Moore

Re: HB 190

Representative Harry Crawford has introduced HB 190 "An Act relating to the purchase of alcoholic beverages and to requiring identification to buy alcoholic beverages; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole."

This is written in favor of HB 190. A number of years ago the daughter of a close friend was struck while driving her children to an activity. She was killed and one of her children was injured.

The driver of the car that struck and killed my friend's daughter was driving with a revoked license, while under the influence of alcohol. He had several previous convictions of driving while under the influence, which resulted in his license being revoked.

I feel my friend's daughter might be alive today if the driver that killed her had been required to prove his privilege to drive and purchase alcohol.

I ask that you support the passage of HB 190 as a measure to preserve lives.

Sincerely,
Brenda Moore
907-522-7081

Josh Applebee

From: Janies Barlow - Alexander [courtwatch@maddalaska.com]
Sent: Tuesday, March 22, 2005 11:44 AM
To: Rep. Tom Anderson; Rep. Pete Kott; Rep. Bob Lynn;
Rep_Gabriel_LeDoux@legis.state.ak.us; Rep_Norm_Rokeberg@legis.state.ak.us; Rep.
David Guttenberg
Subject: HOUSE BILL 190

My Dear Representatives,

This Bill is to be heard this afternoon and I ask for your full support for this practical, sensible legislation.

This is legislation which responsible retailers support and thereby will be enforced. Let it be known, that in the great state of Alaska, the right to drive and a drivers license are privileges, which will be revoked for driving crimes.

Thank you.

Janies

Janies Barlow-Alexander
Court Monitoring Coordinator
(907)562-6890-T (907)562-6896-F
4105 Turnagain Blvd, Ste A (99517)

"We cannot solve the problems that we have created with the same thinking that created them" AE

For more information about MADD, its free victim services or to donate, please visit www.maddalaska.com or call (907) 562-6890.

The number also connects victims to trained staff who can provide emotional support and guidance through the criminal justice system.

DMV comments re: HB 190

Subject: DMV comments re: HB 190**From:** Duane Bannock <duane_bannock@admin.state.ak.us>**Date:** Mon, 13 Feb 2006 15:18:36 -0900**To:** Harry Crawford <representative_harry_crawford@legis.state.ak.us>**CC:** Michael A Tibbles <michael_tibbles@admin.state.ak.us>, Douglas A Wooliver <dwooliver@courts.state.ak.us>

Dear Representative Crawford,

Thank you for allowing the Division of Motor Vehicles (DMV) to participate in the hearing concerning HB 190, your bill requiring the DMV to 'mark' the Driver's License/Identification Card (DL/ID) with an indication prohibiting the holder the privilege of purchasing alcohol.

As I too recognize the importance of curbing our alcohol related problems in Alaska, please know that the DMV wants to be part of the solution; not part of the problem. I am also respectful of you and your family's own personal involvement in the damaging effects of alcohol.

In comparing the original version of the bill dated 3/1/05 (version G) to the CS from Labor & Commerce dated 4/22/05 (version Y) I can find no discernible difference, as it pertains to DMV, between the versions. While I see the difference made in other sections to the bill that effects the alcohol vendor making it 'voluntary' to participate in checking the customer prior to the sale, we do not see any instructions requiring either the Court, Probation/Parole office, or the customer themselves to obtain this new 'marked' DL/ID.

You ask what can be done? Thanks for asking; here's a few suggestions.

As I stated in the Judiciary committee, the DMV can alter both the physical design and the electronic 2-D Bar code. In speaking with Cindy Cashen, now with the Alaska Highway Safety Office, she has informed me of the standard language for this court order is "N.E.O.C." or Not to Enter Or Consume alcohol, we would propose using that same language.

*Sec 2 may need to address the status of the 'unmarked' DL/ID currently in possession of the customer in question. For example, should the DMV Revoke or Suspend the DL/ID and provide written notification that the customer must return to DMV for a new 'marked' DL/ID? The result of failure to comply could include the customer being subjected to charges of driving with a suspended/revoked license if stopped for a minor traffic offense, if they have not obtained the new 'marked' license.

Also, we recommend modification in *Sec 2 to either delete the specific reference to AS 28.35.030; Operating a Vehicle...While Under the Influence. Testimony by Mr. Wooliver from the Court System has indicated that other crimes committed may lead to the same restriction. If the intent is to limit this 'marking' of DL/ID's to only "Driving-with-Alcohol involved" crimes, we would suggest adding AS 28.35.032; Refusal to Submit to a Chemical Test, aka "Refusing to blow". This information is critical to our estimate of projected costs and the amount we will be asking the customer to pay, as a result. If the intent is to include other crimes, or probation/parole resulting from those crimes, a could be requested from the agency(s) affected with estimates of qualifying customers.

We believe the intent of the bill is to 'mark' both DL's and ID's. The *Sec 4 authority given to DMV is only granted to DL's. We suggest adding the same language to apply to State Identification Cards. This may be a moot point as AS 18.65.310 describes content of the ID card as "identical to to the motor vehicle operator's license provided for in AS 28.15.111", but we'd respectfully request clarification.

Also, as a minor note, our 2-D bar code does not include the photo image, as may be

2/14/2006 11:03 AM

DMV comments re: HB 190

required in the new language of *Sec 4. It only includes the data such as name; dates of birth, etc.

Thank you again, for the opportunity to be involved in this process. If I may be of further assistance on this, or ant DMV matter, please feel free to contact me directly.

Duane Bannock
Director, DMV
269 5008