

**HB**

**1900**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
 MAY 08 2006  
 SENATE FINANCE COMMITTEE

DATE: 5/3/06

FURTHER:

DATE TURNED IN TO OFFICE: 8 May 2006

Finance Committee considered CS FOR HOUSE BILL NO. 190(FIN)

## HB 190 REQUIRED ID FOR PURCHASING ALCOHOL

"An Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; 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 and relating to fees for the marked license; and requiring the surrender and cancellation of driver's licenses under certain circumstances."

and recommends:

- be replaced with S CS CS HB 190 (FIN)
- adopt previous \_\_\_\_\_ CS CS forthcoming (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
Adm. Off	7/8/06			✓	#2
Adm. DMV	7/8/06		*		#3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>		✓		
COCHAIR: <i>[Signature]</i>		x		
COCHAIR: <i>[Signature]</i>			✓	

# FISCAL NOTE

REPORTED OUT  
MAY 08 2006  
SENATE FINANCE COMMITTEE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSHB 190(JL'D)  
(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  
Sponsor: Rep. Crawford Component: Office of Public Advocacy  
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						
<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	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)						
<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 (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

COMMITTEE COPY

# FISCAL NOTE

REPORTED OUT  
**MAY 08 2006**  
 SENATE FINANCE COMMITTEE

STATE OF ALASKA  
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 3  
 Bill Version: CSHG 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						
<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 (FY2006) cost: 00  
 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

SENATE FINANCE  
COMMITTEE

Amendment # #1

To Bill Number: HB 190

Sponsor: Bunde

Date: 5/8/06 Logged by: Mindy

24-LS0617\U.1

Luckhaupt

5/7/06

AMENDMENT

by Sen Bunde

OFFERED IN THE SENATE

TO: SCS CSHB 190(JUD)

1 Page 2, line 11, following "jurisdiction.":

2 Insert "The privilege to purchase alcoholic beverages is restricted during the period  
3 that the person is required to refrain from consuming alcoholic beverages under the sentence  
4 or condition of probation or parole."  
5

6 Page 2, line 29, following "section.":

7 Insert "A cancellation under this subsection remains in effect only during the period of  
8 time that the privilege to purchase alcoholic beverages is restricted under AS 04.16.160."  
9

10 Page 2, line 31:

11 Delete "has been"

12 Insert "is"  
13

14 Page 3, line 1, following "AS 28.15.111.":

15 Insert "A person who has received a marked identification card under this subsection  
16 may apply for an unmarked card when the period of restriction under AS 04.16.160 has  
17 expired."  
18

19 Page 4, line 1:

20 Delete "has been"

21 Insert "is"  
22

23 Page 4, line 4, following "AS 28.15.111":

1

Insert "if the period of restriction under AS 04.16.160 is still in effect"

SENATE FINANCE  
COMMITTEE  
Amendment # #2  
To Bill Number: HB 190  
Sponsor: Bunde  
Date: 5/8/06 Logged by: Mindy

24-LS0617U.2  
Luckhaupt  
5/7/06

AMENDMENT

OFFERED IN THE SENATE  
TO: SCS CSHB 190(JUD)

by Sen. Bunde

- 1 Page 2, line 9:
- 2 Delete "law or ordinance of another jurisdiction"
- 3 Insert "municipal ordinance"
- 4
- 5 Page 2, line 11:
- 6 Delete "law or ordinance of another jurisdiction"
- 7 Insert "municipal ordinance"
- 8
- 9 Page 4, line 8:
- 10 Delete "law or ordinance of another jurisdiction"
- 11 Insert "municipal ordinance"
- 12
- 13 Page 4, line 9:
- 14 Delete ", laws, or ordinances"
- 15 Insert "or a similar municipal ordinance"

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
MAY 08 2006  
SENATE FINANCE COMMITTEE

DATE: 5/3/06

FURTHER:

DATE TURNED IN TO OFFICE: 8 May 2006

Finance Committee considered CS FOR HOUSE BILL NO. 190(FIN)

## HB 190 REQUIRED ID FOR PURCHASING ALCOHOL

"An Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; 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 and relating to fees for the marked license; and requiring the surrender and cancellation of driver's licenses under certain circumstances."

and recommends:

- be replaced with S CS CS HB 190 (FIN)
- adopt previous CS forthcoming (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
Adm. Off	2/8/06			✓	#2
Adm. DMV	2/9/06		*		#3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>		✓		
COCHAIR: <i>[Signature]</i>		X		
COCHAIR: <i>[Signature]</i>			✓	

SENATE FINANCE COMMITTEE  
5/8/2006 COMMITTEE ACTION

Bill Number	HB 190		
Amendment	move from		
Motion	Committee		
<u>Motion by</u>			
<u>Objection by</u>			
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Hoffman	✓		
Senator Olson	✓		
Senator Stedman			✓
Senator Bunde	✓		
Senator Dyson	✓		
Co-Chair Wilken			✓
Co-Chair Green			✓
<u>Tally</u>			
Yea	4		
Nay	3		
Absent			
<u>MOTION</u> <del>FAIL</del> PASS			

AMENDMENT

by Sen Bunde

OFFERED IN THE SENATE

TO: SCS CSHB 190(JUD)

1 Page 2, line 11, following "jurisdiction.":

2 Insert "The privilege to purchase alcoholic beverages is restricted during the period  
3 that the person is required to refrain from consuming alcoholic beverages under the sentence  
4 or condition of probation or parole."  
5

6 Page 2, line 29, following "section.":

7 Insert "A cancellation under this subsection remains in effect only during the period of  
8 time that the privilege to purchase alcoholic beverages is restricted under AS 04.16.160."  
9

10 Page 2, line 31:

11 Delete "has been"

12 Insert "is"

13

14 Page 3, line 1, following "AS.15.111.":

15 Insert "A person who has received a marked identification card under this subsection  
16 may apply for an unmarked card when the period of restriction under AS 04.16.160 has  
17 expired."  
18

18

19 Page 4, line 1:

20 Delete "has been"

21 Insert "is"

22

23 Page 4, line 4, following "AS 28.15.111":

I

Insert "if the period of restriction under AS 04.16.160 is still in effect"

AMENDMENT

OFFERED IN THE SENATE  
TO: SCS CSHB 190(JUD)

by Sen. Bunde

- 1 Page 2, line 9:
- 2 Delete "law or ordinance of another jurisdiction"
- 3 Insert "municipal ordinance"
- 4
- 5 Page 2, line 11:
- 6 Delete "law or ordinance of another jurisdiction"
- 7 Insert "municipal ordinance"
- 8
- 9 Page 4, line 8:
- 10 Delete "law or ordinance of another jurisdiction"
- 11 Insert "municipal ordinance"
- 12
- 13 Page 4, line 9:
- 14 Delete ", laws, or ordinances"
- 15 Insert "or a similar municipal ordinance"

Adopted

AMENDMENT

SENATE FINANCE  
COMMITTEE

Amendment # #3

To Bill Number: HB 190

Sponsor: Bunde

Date: 5/8/06 Logged by: Mindy

OFFERED IN THE SENATE  
TO: SCS CS HB 190 (JUD)

BY SENATOR

by Sen. Bunde

- 1 Page 3, line 18
- 2 Delete ""ROC"" and insert ""COAR""
- 3
- 4 Page 3, line 23
- 5 Delete all material and insert:
- 6 ""COAR"" is an abbreviation for "court ordered alcohol restriction."

SENATE CS FOR CS FOR HOUSE BILL NO. 190(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES FOSTER, Crawford, Lynn, Gatto, Weyhrauch, Meyer, Kerttula, Gara, LeDoux, Kelly, Berkowitz, Gardner, Wilson, Dahlstrom, Anderson, Seaton, Samuels, Cissna

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."

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 04.16.16C 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  
15 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. (a) 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, 28.35.032, or a similar municipal ordinance or as a condition of  
10 probation or parole from a conviction under AS 28.35.030, 28.35.032, or a similar  
11 municipal ordinance. The privilege to purchase alcoholic beverages is restricted during  
12 the period that the person is required to refrain from consuming alcoholic beverages  
13 under the sentence or condition of probation or parole. A person whose privilege to  
14 purchase alcohol has been restricted shall be required to pay an enhanced fee to have a  
15 driver's license or identification card issued with the information required under  
16 AS 28.15.111(a)(6).

Amend #2  
Amend #2  
Amend #1

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

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

22 (b) Except as provided in AS 04.16.160. a [A] valid driver's license or a  
23 valid identification card is acceptable as proof of age when used for identification in  
24 the purchase of alcoholic beverages and for securing entry to and remaining on  
25 premises where alcoholic beverages are sold if the license or identification card is  
26 made of or encased in plastic and contains a photograph of the licensee [LICFNSE] or  
27 card holder and a statement of age or date of birth.

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

29 (h) The department shall cancel the identification card of a person whom a  
30 restriction has been imposed under AS 04.16.160 unless the person's identification  
31 card contains the information required by (i) of this section. A cancellation under this

Amend #1  
cont. →

1 subsection remains in effect only during the period of time that the privilege to  
2 purchase alcoholic beverages is restricted under AS 04.16.160.

3 (i) The department shall, to the extent it is able, mark the identification card of  
4 an applicant whose privilege to purchase alcohol is restricted under AS 04.16.160 in  
5 the same manner required for a driver's license under AS 28.15.111. A person who has  
6 received a marked identification card under this subsection may apply for an  
7 unmarked card when the period of restriction under AS 04.16.160 has expired.

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

10 \* Sec. 5. AS 28.15.111(a) is amended to read:

11 (a) Upon successful completion of the application and all required  
12 examinations, and upon payment of the required fee, the department shall issue to  
13 every qualified applicant a driver's license indicating the type or general class of  
14 vehicles that the licensee may drive. The license must [DISPLAY] (1) display a  
15 distinguishing number assigned to the license; (2) display the licensee's full name,  
16 address, date of birth, brief physical description, and color photograph; (3) display  
17 either a facsimile of the signature of the licensee or a space upon which the licensee  
18 must write the licensee's usual signature with pen and ink; (4) display a holographic  
19 symbol intended to prevent illegal alteration or duplication; [AND] (5) display, for a  
20 qualified applicant who is under [AGE] 21 years of age, the words "UNDER 21"; and  
21 (6) to the extent the department is able, be designed to allow the electronic  
22 reading and electronic display of the information described under (2) of this  
23 subsection and the electronic reading and display and a physical display on the  
24 license of the letters "COAR" if the person's privilege to purchase alcohol has  
25 been restricted under AS 04.16.160. A license may not display the licensee's social  
26 security number and is not valid until signed by the licensee. If facilities are not  
27 available for the taking of the photograph required under this section, the department  
28 shall endorse on the license, the words "valid without photograph." In this subsection,  
29 "COAR" is an abbreviation for "court ordered alcohol restriction."

30 \* Sec. 6. AS 28.15.161(a) is amended to read:

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

Amend #1

Amend #1

} Amend #1

Amend #3

Amend #3

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

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

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

6 (4) the license was obtained fraudulently; or

7 (5) the licensee is restricted from purchasing alcoholic beverages  
8 under AS 04.16.160: if a license is cancelled under this paragraph, when a new  
9 license is issued, it must reflect that restriction and the requirements of  
10 AS 28.15.111 if the period of restriction under AS 04.16.160 is still in effect.

Amend #1

Amend #1

11 \* Sec. 7. AS 28.15.191 is amended by adding new subsections to read:

12 (g) A court that has ordered a person to refrain from consuming alcoholic  
13 beverages as part of a sentence for conviction of a crime under AS 28.35.030,  
14 28.35.032, or a similar municipal ordinance or as a condition of probation or parole  
15 following a conviction under those sections or a similar municipal ordinance shall

Amend #2  
Amend #2

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

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

19 (3) inform the person that the person's license is subject to cancellation  
20 under AS 28.15.161 and, if the person is otherwise qualified to receive a license, when  
21 the person obtains a new license the license must list the restriction imposed by  
22 AS 04.16.160 for the period of probation or parole.

23 (h) The board of parole shall notify the department within two days whenever  
24 a person has been ordered to refrain from consuming alcoholic beverages as a  
25 condition of parole and shall inform the person that the person's license is subject to  
26 cancellation under AS 28.15.161, and that, if the person is otherwise qualified to  
27 receive a license, when the person obtains a new license the license must list the  
28 restriction imposed by AS 04.16.160.

29 \* Sec. 8. AS 28.15.271 is amended by adding a new subsection to read:

30 (e) The department may by regulation set a fee for issuance of a new license to  
31 replace a license cancelled under AS 28.15.161(a)(5) because the person's privilege to

1  
2

purchase alcoholic beverages under AS 04.16.160 has been restricted or revoked. The fee must meet the requirements of AS 04.16.160.



Official Business

# Alaska State Senate

Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

## FAX COVER SHEET

DATE: 8 May 2006 TIME: 2:10 pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 2

FROM: MINDY ROWLAND  
SENATE FINANCE COMMITTEE SECRETARY  
PHONE: 465-4935  
FAX: 465-2187

NOTES: Final Please  
SCS CS HB 190 (FIN)  
24-LS0617\U Luckhaupt  
plus amendments: \U.1, \U.2  
and Amendment #3 - attached

Thanks  
Mindy

# Alaska House of Representatives

Richard Foster  
P.O. Box 1630  
Nome, AK 99762  
907-443-5036  
Fax 907-2162



During Session  
State Capitol Rm. 410  
Juneau, AK 99801-1182  
907-465-3789  
Fax 907-465-3242

## Majority Whip

### MEMORANDUM

To: Senator Green, Chair  
Senate Finance  
From: Representative Richard Foster  
Date: May 7th, 2006

#### Why is the fiscal note indeterminate?

Director Bannock expressed concern regarding his indeterminate fiscal note. House Bill 190 provides that an enhanced fee may be charged to cover the cost of issuing the marked licenses and ID cards. Director Bannock explained that he does not know how many people HB 190 would affect. Every attempt has been made by the sponsor to quantify the number of individuals who would be affected, but unfortunately, the court system does not track the number of court orders issued restricting alcohol consumption. The committee may take comfort in that the bill provides for the State of Alaska to recover costs associated with the program from offenders.

#### Would HB 190 restrict access to a licensed premise?

Only if a person was trying to obtain or consume alcohol.

Director Bannock made the contention in his testimony that HB 190 would restrict access to licensed premises for persons with a marked license. That is inaccurate.

The House Judiciary and Finance Committees expressed concern that a person with a marked license would be prohibited from going to a restaurant to eat a meal with friends or family because the restaurant also serves alcohol. For this reason, the House Judiciary Committee amended page 1, line 11 to read "enter or remain in premises licensed under this title *to obtain or consume alcohol*" (emphasis added). The purpose of this amendment was to clarify that the intended purpose of HB 190 is to prohibit a person from obtaining or consuming alcohol.

This is also why the House Finance Committee determined the mark on a license or ID card should be ROC (restriction on consumption) as opposed to NFOC (not to enter or consume).

Director Bannock has suggested the mark on the license be changed to COAR, to stand for Court Ordered Alcohol Restriction. An amendment to this effect has been prepared and the sponsor does not object.

#### For how long is a person's original license cancelled?

Director Bannock expressed concern with the DMV's ability to know how long a license cancellation should be in effect. It is the intent of the sponsor that the duration of the cancellation should last for the period of the court order that restricts an individual from consuming alcohol. While the duration of the cancellation could be addressed through regulation, as are other cancellations, if the committee desires an amendment to the statute to clarify the duration one has been prepared and the sponsor does not object.

# Alaska House of Representatives

Richard Foster  
P.O. Box 1630  
Nome, AK 99762  
907-443-5036  
Fax 907-2162



During Session  
State Capitol Rm. 410  
Juneau, AK 99801-1182  
907-465-3789  
Fax 907-465-3242

## Majority Whip

### SPONSOR STATEMENT FOR CS FOR HB 190 (FIN)

Alaska has some of the strictest drunken driving laws in the country, and still approximately 30% of fatal motor vehicle collisions involve a DUI. House Bill 190 proposes a new approach to reducing the number of alcohol related deaths and accidents – prevent problem drinkers from getting their hands on alcohol.

House Bill 190 requires a physical display on state issued identification cards and driver's licenses if a person has been convicted of a DUI or refusal to submit to a breathalyzer, and is prohibited from consuming alcohol by a court or parole board. The identification card or license would be marked with "ROC," which stands for "Restriction On Consumption." This mark would alert those who sell alcohol that it is illegal for that individual to purchase or consume alcohol. While House Bill 190 provides a financial incentive for vendors to check the identification of their patrons, it remains completely voluntary on the part of the vendor to do so. If a vendor catches a person with a marked license or identification card attempting to purchase alcohol, the vendor can pursue a civil penalty of \$1000, similar to current provisions to prevent underage drinking.

This is a strong step toward preventing problem drinkers from purchasing alcohol and stopping some of the carnage they cause. I urge your support of HB 190.

# Alaska House of Representatives

Richard Foster  
P.O. Box 1630  
Nome, AK 99762  
907-443-5036  
Fax 907-2162



During Session  
State Capitol Rm. 410  
Juneau, AK 99801-1182  
907-465-3789  
Fax 907-465-3242

## Majority Whip

### SECTIONAL ANALYSIS CS FOR HB 190 (FIN)

**Section 1:** Amends AS 04 by adding a new section that provides that a person who is not privileged to purchase alcohol may not enter or remain on a licensed premises for the purpose of obtaining or consuming alcohol; provides a civil remedy for licensees against persons who violate this section.

**Section 2:** Amends AS 04 by adding a new section that revokes the privilege to purchase alcohol a of person convicted under AS 28.35.030 or 28.35.032 and has been restricted from consuming alcohol by court order or as a condition of probation or parole; requires the court or Department of Corrections to notify the individual that the person's identification card will be marked for the period of the person's parole or probation.

**Section 3:** Provides a conforming amendment to section 2.

**Section 4:** Amends AS 18.65.310 by adding a new subsections requiring the department to cancel the identification card of a person restricted from purchasing alcohol under section 2; requires identification cards to be marked in the same manner as driver's licenses; provides the ability for the department to charge a fee for issuing a marked identification card.

**Section 5:** Amends AS 28.15.111(a) by requiring driver's licenses to be designed to allow the license to display the letters "ROC" if the person's privilege to purchase alcohol has been restricted under section 2; defines "ROC" as an abbreviation for "restriction on consumption."

**Section 6:** Amends AS 25.15.161(a) by requiring the cancellation of a person's driver's license if their privilege to purchase alcohol has been restricted under section 2; requires a license be marked if the person obtains a new license.

**Section 7:** Amends AS 28.15.191 by adding new subsections requiring a court orders a person to refrain from consuming alcohol to require the surrender of the person's license and forward the license to the department; requires the court to provide notification to the restricted person that their new license will list the restriction imposed by section 2; requires the board of parole to notify the DMV when restricting a person from consumption of alcohol; requires the board to notify the individual that their license is subject to cancellation and a new license will list the restriction imposed by section 2.

**Section 8:** Amends AS 28.15.271 by adding a new subsection authorizing the department to set a fee for issuance of a marked license.

Department of Public Safety  
 Alaska State Troopers  
 Motor Vehicle Collision Cases  
 With Fatality or Injury  
 CY 2001 - CY 2005

Fatal Motor Vehicle Collisions			
Calendar Year	Alcohol and/or Drug Related	Total	Percent of Alcohol and/or Drug Related MVC
2001	18	46	39.1%
2002	18	43	41.9%
2003	18	50	36.0%
2004	19	54	35.2%
2005	13	44	29.5%

Injury Motor Vehicle Collisions			
Calendar Year	Alcohol and/or Drug Related	Total	Percent of Alcohol and/or Drug Related MVC
2001	144	939	15.3%
2002	148	973	15.2%
2003	126	977	12.9%
2004	121	911	13.3%
2005	106	932	11.4%

Based on Alaska State Trooper cases involving a Motor Vehicle Fatality or Injury recorded in APSIN as of April 26, 2006 for calendar years 2001 - 2005. A case was counted as Alcohol and/or Drug related based on the alcohol/drug flag.

# Press Archive

State of Alaska > Governor > Proclamations > Proclamations Archive

## Put the Brakes on Fatalities Day

More than 100 Alaskans died in traffic accidents last year, making 2004 the second year of increased fatalities in this state. Records show that, so far, traffic fatalities for 2005 are considerably lower than each of the last two years.

Traffic accident deaths and injuries on Alaska's roads and highways cost our economy nearly \$500 million each year.

Alaska experiences a higher traffic fatality rate per capita than the nation, with more than 15 deaths per 100,000 people each year.

Thirty-eight percent of Alaska's fatalities are related to excessive speed, exceeding the national average of 31 percent.

Thirty percent of Alaska's traffic fatalities are caused by drivers with a blood alcohol level of .08 or higher.

Good driving behaviors including seat belt use, sober driving, and obeying traffic laws can significantly reduce traffic fatalities.

In addition, the use of cost-effective roadway safety improvements such as wider road lanes and shoulders, medians, and bridge improvements have been shown to reduce fatalities.

The continued development of safer vehicles and protective traffic safety equipment will enhance people's ability to protect themselves and their families from preventable injury and death.

Much good work has been done to reduce Alaska's statistics. The fact that 2005 witnessed a significant reduction to Alaska's traffic fatalities. The efforts of the Department of Transportation and Public Facilities, the Alaska Highway Safety Office, local and state law enforcement, and community organizations, have also helped reduce Alaska's alcohol-related fatalities and increased Alaska's seatbelt usage. However, more improvements can be made. Put the Brakes on Fatalities Day encourages safer drivers, safer vehicles, and safer roads.

NOW THEREFORE, I, Frank W. Murkowski, Governor of the State of Alaska, do hereby proclaim October 10, 2005 as

Put the Brakes on Fatalities Day.

Alaska's medical experts estimate 50,000 lives are saved by physicians' use of the mammogram. By sharing these important messages about breast cancer awareness,

Date: September 29, 2005

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In other news: A T oversees Governor actor John Leguizamo ice ribbon to open t themed ice park for and promote the ne 2. The Meltdown "I

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## **Josh Applebee**

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**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](http://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.



**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](mailto:info@maddalaska.com)  
Visit our Web Site: [www.maddalaska.com](http://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

RF: HB 190

to the members, board of directors and staff of MADD in Anchorage, I am writing in support

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**

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**From:** Brenda Moore [bmoore@christlanhealth.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