

HB

1900

SENATE COMMITTEE REPORT

DATE: 4/25/06

FURTHER: Finance

DATE TURNED
IN TO OFFICE: _____

Judiciary 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 _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- 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	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	x			
	x			
			x	
CHAIR:				✓

AMENDMENT

#2

OFFERED IN THE SENATE
TO: CSHB 190(FIN)

~~with similar elements~~
law or ordinance from another jurisdiction

- 1 Page 2, line 9:
- 2 Delete "or 28.35.032"
- 3 Insert ", 28.35.032, or a similar ~~municipal ordinance~~"
- 4
- 5 Page 2, line 10:
- 6 Delete "or 28.35.032"
- 7 Insert ", 28.35.032, or a similar municipal ordinance"
- 8
- 9 Page 4, lines 5 - 6:
- 10 Delete "or 28.35.032"
- 11 Insert "28.35.032, or a similar municipal ordinance"
- 12
- 13 Page 4, line 7, following "sections":
- 14 Insert "or a similar municipal ordinance"

Same

Same

Same

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

May 3, 2006

SUBJECT: Privilege to Purchase Alcohol (SCS CSHB 190(JUD),
Work Order No. 24-LS0617U)

TO: Senator Ralph Seekins
Attn: Brian Hove

FROM: Gerald P. Luckhaupt *RLP*
Legislative Counsel

Enclosed is the SCS(JUD) you requested. I have one comment. I have serious doubts as to how the amendment adopted by the committee can be applied by the Department of Administration and alcoholic beverage licensees. The amendment is based upon a conclusion that it would be an equal protection violation to apply this law only to persons convicted of Alaska offenses whose right to consume alcohol is restricted under that conviction. This conclusion is, I believe, mistaken and no Alaska case supports this position. A person convicted of a crime in Alaska is not necessarily similarly situated to a person convicted of a crime by another state. Alaska does not have to treat offenders from other states the same as persons who committed their crimes in Alaska. In several contexts Alaska does treat Alaska offenders differently from offenders from other states and no court has found an equal protection violation from that differing treatment. See, e.g., AS 43.23.005; AS 11.56.750; AS 11.56.757; AS 44.41.035; AS 12.61.020.

Also, the bill requires the courts of other jurisdictions to somehow notify the Department of Administration of these convictions and requires these courts to notify the persons convicted that their Alaska driving privileges and identification cards are revoked, even if the person does not have an Alaska driver's license or identification card. I fail to see how the legislature can impose such a requirement. I further question how the Department of Administration can implement any such requirement when these courts of other jurisdictions are not bound by our statutes. If the courts of other states do not notify Alaska of every conviction for every crime that includes as part of the judgment and sentence that a person not consume alcohol, how will the Department of Administration implement this? Will the Department of Administration perform a search of the court records of every state and local government every time a person applies for a license or identification card in Alaska? If the Department of Administration does this and the Department of Administration finds that a person has been convicted of a crime in another state will the Department of Administration then examine the judgment and sentence of that offense to see if it contains a consumption of alcohol provision?

GPL:med
06-360.med

Enclosure

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 too many Alaskans are killed or injured by those who get behind the wheel after having too much to drink. 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 drunken driving or refusal to submit to a breathalyzer and subsequently 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
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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 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.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 190(L&C)
 (H) Publish Date: 4/22/05

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) Labor & Commerce Component No.: 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Under this bill the Division of Motor Vehicles (DMV) would be required to physically 'mark' a driver's license and state issued identification card if the holder's privilege to purchase alcohol has been restricted. The DMV today has no 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 criteria 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 4/7/05 3:46 PM
 Approved by: Michael Tibbies, Deputy Commissioner Date 4/7/2005
 Agency: Department of Administration

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
 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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	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
 Division: Office of Public Advocacy
 Approved by: Mike Tibbles, Deputy Commissioner
 Agency: Administration

Phone: 907.269-3500
 Date/Time: 2/8/06 at 7:50 p.m.
 Date: 2/8/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 190(JJD)
 (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



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

3/22/2005

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.

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.