

SB

109

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/16/05

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered SENATE BILL NO. 109

SB 109 INCREASE FINE FOR SCHOOL ZONE VIOLATIONS

"An Act relating to fines for offenses committed within school zones."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

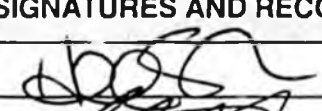
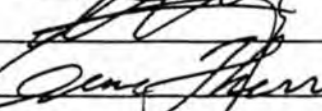
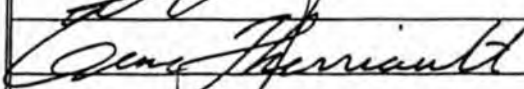
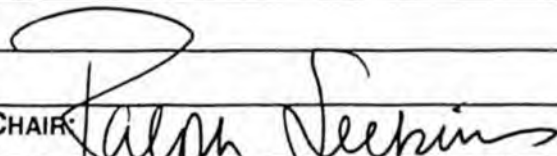
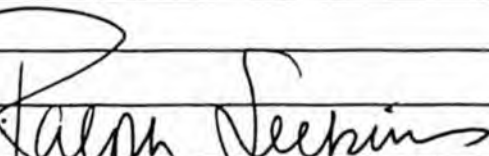
NEW FISCAL NOTE(S):

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: 	X			

GARY WILKEN

SENATOR
Fairbanks

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Website: www.garywilken.com
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SPONSOR STATEMENT

Senate Bill 109
Increase Fine For School Zone Violations

Senate Bill 109 doubles the fine assessed for motor vehicle or traffic offenses committed in a school zone identified with flashing lights. The double fine will only apply when the school zone lights are actually flashing. This bill mirrors the law passed by the Alaska State Legislature in 1998, which doubled the fine for violations committed in a highway work zone. Senate Bill 109 not only to elevates the seriousness of school zones violations, but also reconfirms our commitment to the safety of children.

Because of the high concentration of children walking to and from school, most often in poor visibility conditions, drivers need to be ever vigilant in a school zone. Appropriate Department of Transportation signage will alert drivers of the double fine and will remind them to slow down and be extra cautious.

Please join me in protecting our children by endorsing and passing Senate Bill 109.

A handwritten signature in cursive script, appearing to read "Gary Wilken".

SENATE BILL NO. 109

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

BY SENATOR WILKEN

**Introduced: 2/16/05
Referred: Judiciary, Finance**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to fines for offenses committed within school zones."**

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

3 *** Section 1.** AS 28.05.151(d) is amended to read:

4 (d) The supreme court, in establishing scheduled amounts of bail under this
5 section, and each municipality that establishes or has established a fine schedule under
6 this section shall provide that the scheduled amount of bail or fine, as applicable, for a
7 motor vehicle or traffic offense that is committed in a highway work or school zone
8 shall be double the amount of the bail or fine for the offense if it had not been
9 committed in a highway work zone or school zone.

10 *** Sec. 2.** AS 28.40.070 is amended to read:

11 **Sec. 28.40.070. Fines for offenses committed within highway work and**
12 **school zones doubled.** Whenever a person violates a provision of this title or a
13 regulation adopted under the authority of this title within a highway work or school
14 zone, notwithstanding the amount of the fine or the maximum fine set under this title,
15 the fine, or maximum fine, is double the amount provided in this title.

1 * Sec. 3. AS 28.40.100(a) is amended by adding a new paragraph to read:

2 (27) "school zone" means an area identified by flashing yellow lights
3 and by signs as being near a school.

clearly
visible from
all lanes of
traffic...

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB109-DPS-ASTD-2-22-05
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act increasing fines for school zone RDU Alaska State Troopers
violations Component AST Detachments
 Sponsor Senator Wilken
 Requester Senate Judiciary Component No. 2325

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	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						
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 (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)

This bill will double the amount of a fine imposed for traffic infractions committed in a school zone.

Modification of the current bail schedule would have to occur since speeding in a school zone already has enhanced penalties. If this bill were to become law, and the current bail amount was not modified, the penalties would be so burdensome as to become impractical. With a doubling of the penalties for speeding in a school zone and a downward modification of the bail schedule, the penalty would still be greater than what currently exists.

No fiscal impact on the Department of Public Safety is anticipated.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223
 Division: Alaska State Troopers Date/Time 2/22/05 3:38 PM
 Approved by: Commissioner William Tandeske Date 2/22/2005
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB109-LAW-CDCO-2-22
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to fines for offenses committed RDU CRIMINAL
within school zones." Component CDCO
 Sponsor Senator Wilken
 Requester Senate Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
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						
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 (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 28.40.070 by adding motor vehicle or traffic offenses committed in a school zone to motor vehicle and traffic offenses committed in a highway work zone as subject to double fines.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
 Division Administrative Services Date/Time 2/22/05 11:21 AM
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 2/22/2005
 Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 109
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to fines for offenses RDU Legal and Advocacy Services
committed within school zones. Component Public Defender Agency
 Sponsor Sen. Wilken
 Requester Senate Judiciary Component No. 1631

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	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 (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)
 This bill amends the motor vehicle statutes to mandate double fines and scheduled bail amounts for traffic offenses and violations committed in school zones, not just highway work zones. This bill, if enacted, is not expected to have a fiscal impact on the operations of the Agency.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)334-4416
 Division Public Defender Agency Date/Time 2/22/05 9:55 AM
 Approved by: Michael Tibbles, Deputy Commissioner Date 2/22/2005
 Agency Department of Administration

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Lisa Shield, Member
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Pres. Aleutian Islands Chapter

Thecla LaLonde, Member
Wrangell
Pres. Wrangell Chapter

February 21, 2005

Senator Gary Wilken
Alaska State Senate
State Capitol
Juneau AK 99801-1182

Dear Senator Wilken,

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing SB 109, an act relating to fines for offenses committed within school zones.

This proposed bill provides for better protection of Alaska children when in school zones by doubling the applicable traffic offense.

This change will be of benefit for the citizens and law enforcement of the State of Alaska. We thank you for addressing this issue.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,


Angella Long
State President

**ORIGINAL
IN
MAIL**

State of Alaska
 Department of Public Safety
 School Zone Violations
 FY 2004

School Zone Citations				
Agency	S50	S91	S99	Total
Alaska State Troopers	2	2	22	26
Anchorage Police Department	1	28	1000	1029
Craig Police Department	0	0	1	1
Fairbanks Police Department	0	0	14	14
Juneau Police Department	0	0	4	4
Kenai Police Department	0	0	2	2
Kodiak Police Department	0	0	2	2
Sitka Police Department	0	0	12	12
Skagway	0	0	1	1
U.S. Fish & Wildlife	0	0	2	2
Wasilla Police Department	0	0	1	1
All Agencies Total	3	30	1061	1094

Citation Descriptions
S50 - Speed-School Zone (allows recording of exact speed)
S91 - Speed 41 mph over or more (School Zone)*
S99 - Speed School Zone

*Note: Per DMV the S91 code is intended to be used for School Zone speeding violations.
 It appears is has been used to record non-School zone speeding violations in some cases.

These statistics are based on information from the Department of Public Safety, Alaska Public Safety Information Network (APSIN) as of 2/22/2005. The count represents disposed citations in APSIN for the time period 7/1/2003 - 6/30/2004.

REGION

NUMBER OF SCHOOL ZONES

NUMBER OF FLASHING LIGHTS

Central Region	58	119
Southeast Region	28	26
Interior Region	9	20
TOTAL	95	165

***Information provided by DOT (Scott Thomas/Central Region, Debora Gardner/Interior Region, and Richard Purves/Southeast Region).



[Printer Friendly Version](#)

State Information

Sanctions for Exceeding the Speed Limit in Either a Construction or School Zone

<p>Home</p> <p>Laws</p> <ul style="list-style-type: none"> • Aggressive Driving Laws • Automated Enforcement Laws • Cell Phone Laws • Checkpoint Laws • Child Passenger Safety Laws • Drug Impaired Driving Laws • Graduated Licensing Laws • Helmet Laws • Impaired Driving Laws • Low Speed Vehicle Laws • Older Driver Laws • Safety Belt Laws • Sanctions for School and Construction Zones • Segway Laws • State Speed Limit Laws <p>Funding</p> <p>Grants</p> <p>Information by State</p> <hr/> <p>GHSA 750 First St. NE, Suite 720 Washington DC 20002 202.789.0942</p>	<p>State</p> <p>Alaska</p> <p>Arizona</p> <p>Arkansas</p> <p>* Colorado</p> <p>Connecticut</p> <p>* Florida</p> <p>Georgia</p> <p>Illinois</p>	<p>Sanctions for Speeding in a Construction Zone</p> <p>The fine is double the usual amount.</p> <p>An additional fine, equal to all other fines, is imposed for exceeding the posted limit when construction personnel are present.</p> <p>If a speeding offense occurs in a construction zone, fines and surcharges are double the usual amount.</p> <p>The fine is double the usual amount.</p> <p>For exceeding the speed limit in a construction zone (except for speeds less than 5 MPH over the posted limit where only a warning is issued), the fine is double the amount in the fine schedule. Note: if a person decides to adjudicate the speeding offense in a construction zone, the fine is not more than \$1000.</p> <p>Jail of not more than 12 months and a fine of \$100-\$2000.</p> <p>A fine of \$150 (mandatory) to \$1000, and additional fine of \$50 which is used</p>	<p>Sanctions for Speeding in a School Zone</p> <p>Six points are assessed on the driving record.</p> <p>First offense is 1-10 days in jail and \$25-50 fine; second offense within one year is 5-25 days in jail and \$50-\$250 fine and license suspension for 6 months (subsequent offense within 1 year is 25 days, 6 months in jail and \$250-\$1000 fine; 3rd offense within one year is license suspension for one year.</p> <p>If a speeding offense occurs in a school zone, fines and surcharges are double the usual amount.</p> <p>For exceeding the speed limit in a school zone, the fine in the schedule is \$50, if the speed limit was exceeded by less than 5 MPH. Otherwise the fine is double. If a person decides to adjudicate the speeding offense, the fine is not more than \$1000.</p> <p>A fine of \$150 (mandatory) to \$1000, and additional fine of \$50 which is used</p>
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		for school safety.	for school safety
Indiana	The court may order a person to pay a fee of \$25 for exceeding a worksite speed limit.		
Iowa	The fine is double the amount in the fine schedule.		
Kansas	The fine is double the usual amount.		
Kentucky	If a speeding offense occurs in a construction zone, the fine is double the usual amount.		
* Maine	Fines are doubled for speeding in construction zone.		The fine is double the amount in the fine schedule.
Maryland	Fines are doubled.		A fine of not more than \$1000.
* Michigan	The fine is double that prescribed by law.		The fine is double that prescribed by law.
Minnesota	A surcharge is assessed that equals the fine, except the surcharge cannot be less than \$25.		A surcharge is assessed which equals the fine, except the surcharge cannot be less than \$25.
Mississippi	For exceeding the posted limit in a "highway work zone" a fine of not more than \$250 is assessed.		
Missouri	A fine of \$35 is assessed if offender is convicted of a moving violation in a construction or work zone; an additional fine of \$250 is assessed if offender is convicted of speeding or passing in a construction or work zone if workers are present and proper signage has been erected.		
Montana	If a speeding offense occurs in a work zone, the fine is double the usual amount.		
* Nebraska	If a speeding offense occurs in a construction zone, the fine is double the usual amount.		If a speeding offense occurs in a school crossing zone, the fine is double the usual amount.
Nevada	There is an additional sanction which is equal to the original sanctions imposed for exceeding such a limit. Imprisonment sanctions for the original and additional sanctions must run consecutively. However, the combined sanctions cannot exceed 6 months of imprisonment, \$1000 or 120 hours of		

	community service.	
New Jersey	The fine is double the usual amount.	
New York	Exceeding the speed limit less than 10 MPH, a fine of \$60-\$100; exceeding the speed limit more than 10 MPH but less than 30 MPH, not more than 30 days in jail and a fine of \$120-\$200; exceeding the speed limit more than 30 MPH, not more than 30 days in jail and a fine of \$240-\$400. For a second offense within 18 months for any of the previous offenses, the fine is increased by \$100. For a subsequent offense within 18 months for any of the previous offenses, the fine is increased by \$250.	Exceeding the speed limit less than 10 MPH, a fine of \$60-\$200; exceeding the speed limit more than 10 MPH but less than 30 MPH, not more than 15 days in jail and a fine of \$120-\$400; exceeding the speed limit more than 30 MPH, not more than 30 days in jail and a fine of \$240-\$800. For a second offense within 18 months for any of the previous offenses, the fine is increased by \$100. For a subsequent offense within 18 months for any of the previous offenses, the fine is increased by \$250.
North Carolina	There is a mandatory \$250 fine.	There is a mandatory \$25 fine and 3 points are assessed against the driving record.
North Dakota	Fee schedule for exceeding the speed limit by 1-10 MPH is \$40; fee schedule for exceeding the speed limit by more than 10 MPH is \$40 plus \$5 for each MPH over 10 MPH.	
Ohio	The fine is double the usual amount.	
Oregon	The fine is 80% of the maximum fine established for the violation.	The fine is 80% of the maximum fine established for the violation.
Pennsylvania	The fine is double the usual amount.	The fine is \$35 plus \$2 for every mile in excess of 5 MPH.
South Carolina	Jail of not more than 30 days and/or a fine of \$75-\$200.	
South Dakota	Fine is double the usual amount.	
Tennessee	Fine of \$250 (mandatory) to \$500. Speeding violations where the vehicle's speed was not noted on the citation, 3 points; exceeding the speed limit 1-5 MPH, 2 points; exceeding the speed limit 6-15 MPH, 6 points; exceeding the speed limit 16-35 MPH, 7 points; exceeding the speed limit by 36 or more MPH, 8 points. For commercial vehicles,	

	speeding where the vehicle's speed was not noted on the citation, 4 points; exceeding the speed limit through 5 MPH, 2 points; exceeding the speed limit 6-14 MPH, 5 points.	
Texas	Minimum and maximum fines are doubled.	
Utah	If convicted of speeding in a construction zone when workers are present, fine is double the amount listed in the fine schedule.	
Virginia	Fine is not more than \$250.	For speeding in a school crossing zone is not more than \$250.
* Washington	Mandatory fine of double the normal amount for exceeding the speed limit in a roadway construction zone.	Mandatory fine of double the normal amount for exceeding the speed limit in a school or playground crosswalk.
West Virginia	A fine of not more than \$200. Jail of not more than 20 days for exceeding the speed limit by 15 or more MPH.	A fine of \$100-\$500. Jail of not more than 6 months for exceeding the school zone limit by 15 or more MPH when one or more children are in the zone.
* Wisconsin	Maximum and minimum fines are doubled.	Maximum and minimum fines are doubled.
Wyoming	Fine of \$100 when operating a motor vehicle with a gross vehicle weight greater than 26,000 pounds and speeding more than 6 MPH (fine appears to be mandatory.)	
Total	36 States	19 States

Source: NHTSA "Summary of Special Sanctions for Exceeding the Speed Limit in Either a Construction or School Zone" and State Highway Safety Offices. Current as of January 2005.

**Table 7A-101
Urban School Zone Traffic Control**

Grade Level (Lowest Grade Taught at School)	Students Required to Cross Road at Grade									Students Not Required to Cross Road At-Grade (Could be grade-separated or just no crossing)	
	Traffic Signal at Crossing		No Traffic Signal at Crossing								
			STOP Controlled Crossing	Crossing Not STOP-Controlled				Grade Separation	Ped. Signal (If warranted) (3)		
	Sufficient Gaps (2)			Insufficient Gaps (2)							
	Speed Limit ≤25	Speed Limit >25		Speed Limit ≤25	Speed Limit >25	Address by re-routing students, busing students, or one of the following: Crossing Guard (If < 4 lanes)					
Speed Limit ≤25	Speed Limit >25	Speed Limit ≤25	Speed Limit >25	Speed Limit ≤25	Speed Limit >25	Completely Fenced? (1)					
				Yes	No						
9-12	C	G	major streets only	G	G	n/a	n/a				
5-8	C	C,G?	major streets only, G?	G	C,G?	C,G	C,G	See Students Not Required to Cross Road At-Grade	See Students Required to Cross Road At-Grade/Traffic Signal at Crossing		
K-4	C,G?	C,G?	major streets only, G?	C,G?	C,G?	C,G	C,G				

LEGEND	
n/a	Does not apply: Crossing guards should not be used for high school students.
	No School Signs
	Advance School Sign (S1-1) Only
	Advance (S1-1) and Crossing (S1-1 with W16-7p) School Signs: Overhead (S1-1) signs with flasher optional
	Advance (S1-1) and Crossing (S1-1 with W16-7p) School Signs + 20 mph When Flashing (S5-1) Sign and Flasher: Overhead (S1-1) with flasher signs optional (4)
C	Marked crosswalk: Install at nearest intersection, if within 400 feet. If a crosswalk exists within 400 feet, consider using it as the school crosswalk. Use school crosswalk signs at mid-block crosswalks if within a school zone.
G	Crossing Guard
G?	School districts should develop policies that consider crossing guards at these locations (for crossings of major streets).

The following notes pertain to Table 7A-101.