

HB

14

Alaska State Legislature
House of Representatives

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Representative Harry T. Crawford, Jr.

East Anchorage District 21

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Changes in CS for HB 14 (JUD) version "V"

Section 4

Page 4, Lines 14-15

Fee for issuing a marked identification card

At the request of the DMV, the fee for issuing a marked identification card is set in statute at \$50.

Section 7

Add "identification card"

Adds "identification card" to the statutes requiring the courts and parole board to require a person ordered not to consume alcohol to surrender his or her driver's license.

Section 8

Page 6, Lines 7-9

Fee for issuing a marked driver's license

At the request of the DMV, the fee for issuing a marked identification card is set in statute at \$50.

Title amended accordingly to reflect the above described changes.

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY COMMITTEE

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State Capitol, Room 120
Juneau, Alaska 99801-1182

Fax

To: Jerry Luckhaupt

Fax #: 907-465-2070

Number of pages including cover: 1

From: Jane Pierson

Date: April 13, 2007

Re: Final for CSHB14(JUD) 25-LS0095\W

Jerry,

Please go final on the above-referenced CS.

Thank you.

25-LS0095V
Luckhaupt
3/5/07

CS FOR HOUSE BILL NO. 14(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE CRAWFORD

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 or card; relating to the information
6 contained on driver's licenses; requiring the surrender and cancellation of driver's
7 licenses and identification cards under certain circumstances; and providing for an
8 effective date."

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

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

11 **Sec. 04.16.047. Access of persons with restriction on purchasing alcohol.**

12 (a) A person who is restricted from purchasing alcohol under AS 04.16.160 may not
13 knowingly enter or remain in premises licensed under this title to obtain or consume

1 alcohol.

2 (b) A licensee may bring a civil action against a person who violates this
3 section if the violation occurs on the premises of that licensee. If judgment is entered
4 in favor of the licensee, the court shall award civil damages in the amount of \$1,000
5 and award reasonable costs and reasonable attorney fees allowed under the Alaska
6 Rules of Civil Procedure.

7 (c) Nothing in this section or AS 04.16.160 creates a duty or imposes an
8 obligation on a licensee to physically check the identification of any person entering
9 licensed premises.

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

11 **Sec. 04.16.160. Restriction on purchasing alcoholic beverages.** (a) Except as
12 otherwise provided by law, a person who is 21 years of age or older may not purchase
13 alcoholic beverages if the person has been ordered to refrain from consuming
14 alcoholic beverages as part of a sentence for conviction of a crime under
15 AS 28.35.030, 28.35.032, or a similar municipal ordinance or as a condition of
16 probation or parole from a conviction under AS 28.35.030, 28.35.032, or a similar
17 municipal ordinance. The restriction on purchasing alcoholic beverages applies during
18 the period that the person is required to refrain from consuming alcoholic beverages
19 under the sentence or condition of probation or parole.

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

24 * **Sec. 3.** AS 04.21.050 is amended to read:

25 **Sec. 04.21.050. Proof of age and of not being restricted from purchasing**
26 **alcoholic beverages.** (a) If a licensee or an agent or employee of the licensee
27 questions or has reason to question whether a person entering licensed premises, or
28 ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to
29 procure alcoholic beverages,

30 (1) has attained the age of 21 years or is entering without consent in
31 violation of AS 04.16.049(a)(3) and has not attained the age of 16 years, that licensee,

1 agent, or employee shall require the person to furnish proof of age acceptable under
2 (b) of this section or proof of consent in a form determined by the board; if [IF] the
3 person questioned does not furnish proof of age acceptable under (b) of this section, or
4 if a licensee, agent, or employee questions or has reason to question the validity of the
5 proof of age furnished, the licensee, employee, or agent shall require the person to sign
6 a statement that the person is over the age of 21 or 16 years, as appropriate; this [
7 THIS] statement shall be made on a form prepared by and furnished to the licensee by
8 the board;

9 (2) is restricted from purchasing alcoholic beverages under
10 AS 04.16.160, the licensee, agent, or employee may, but has no duty or obligation
11 to, require the person to furnish proof acceptable under (b) of this section that
12 the person is not restricted from purchasing alcoholic beverages or require the
13 person to sign a statement that the person is not restricted from purchasing
14 alcoholic beverages under AS 04.16.160; this statement shall be made on a form
15 prepared by and furnished to the licensee by the board.

16 (b) Except as provided in AS 04.16.160, a [A] valid driver's license or a
17 valid identification card is acceptable as proof of age or that the person is not
18 restricted from purchasing alcoholic beverages when used for identification in the
19 purchase of alcoholic beverages and for securing entry to and remaining on premises
20 where alcoholic beverages are sold if the license or identification card is made of or
21 encased in plastic and contains a photograph of the licensee [LICENSE] or card holder
22 and a statement of age or date of birth. A licensee, agent, or employee may elect to
23 not accept a passport, military identification card, or other identification as proof
24 that the person is not restricted from purchasing alcoholic beverages and may
25 require the person to furnish a valid driver's license or state identification card
26 or otherwise furnish proof that the person is not a resident of this state.

27 (c) A licensee, or an agent or employee of the licensee, may not be charged for
28 a violation of AS 04.16.047 - 04.16.052 [AS 04.16.051 - 04.16.052] if a signed
29 statement as provided in (a) of this section is secured in good faith, or a valid driver's
30 license or identification card is presented indicating that the owner and possessor of
31 the presented driver's license or identification card is 21 or 16 years of age or over or

1 is not restricted from purchasing alcoholic beverages, as appropriate.

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

3 (h) The department shall cancel the identification card of a person on whom a
4 restriction has been imposed under AS 04.16.160 unless the person's identification
5 card contains the information required by (i) of this section. A cancellation under this
6 subsection remains in effect only during the period of time that the person is restricted
7 from purchasing alcoholic beverages under AS 04.16.160.

8 (i) The department shall, to the extent it is able, mark the identification card of
9 an applicant who is restricted from purchasing alcoholic beverages under
10 AS 04.16.160 in the same manner required for a driver's license under AS 28.15.111.
11 A person who has received a marked identification card under this subsection may
12 apply for an unmarked card when the period of restriction under AS 04.16.160 has
13 expired.

14 (j) The department shall charge a fee of \$50 for issuance of a marked
15 identification card under (i) of this section.

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

17 (a) Upon successful completion of the application and all required
18 examinations, and upon payment of the required fee, the department shall issue to
19 every qualified applicant a driver's license indicating the type or general class of
20 vehicles that the licensee may drive. The license must [DISPLAY] (1) display a
21 distinguishing number assigned to the license; (2) display the licensee's full name,
22 address, date of birth, brief physical description, and color photograph; (3) display
23 either a facsimile of the signature of the licensee or a space upon which the licensee
24 must write the licensee's usual signature with pen and ink; (4) display a holographic
25 symbol intended to prevent illegal alteration or duplication; [AND] (5) display, for a
26 qualified applicant who is under [AGE] 21 years of age, the words "UNDER 21"; and
27 (6) to the extent the department is able, be designed to allow the electronic
28 reading and electronic display of the information described under (2) of this
29 subsection and the electronic reading and display and a physical display on the
30 license that the person is restricted from purchasing alcoholic beverages under
31 AS 04.16.160. A license may not display the licensee's social security number and is

1 not valid until signed by the licensee. If facilities are not available for the taking of the
2 photograph required under this section, the department shall endorse on the license,
3 the words "valid without photograph."

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

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

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

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

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

11 (4) the license was obtained fraudulently; or

12 (5) the licensee is restricted from purchasing alcoholic beverages
13 under AS 04.16.160; if a license is cancelled under this paragraph, when a new
14 license is issued, it must reflect that restriction and the requirements of
15 AS 28.15.111 if the period of restriction under AS 04.16.160 is still in effect.

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

17 (g) A court that has ordered a person to refrain from consuming alcoholic
18 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
19 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
20 following a conviction under those sections or a similar municipal ordinance shall

21 (1) require the surrender of the person's license and identification card
22 and forward the license and identification card to the department;

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

24 (3) inform the person that the person's license and identification card
25 are subject to cancellation under AS 28.15.161 and AS 18.65.310 and, if the person is
26 otherwise qualified to receive a license or identification card, when the person obtains
27 a new license or identification card, the license or identification card must list the
28 restriction imposed by AS 04.16.160 for the period of probation or parole.

29 (h) The board of parole shall notify the department within two days whenever
30 a person has been ordered to refrain from consuming alcoholic beverages as a
31 condition of parole, shall require the person to surrender their license and

1 identification card, and shall inform the person that the person's license and
2 identification card are subject to cancellation under AS 28.15.161, and that, if the
3 person is otherwise qualified to receive a license or identification card, when the
4 person obtains a new license or identification card, the license or identification card
5 must list the restriction imposed by AS 04.16.160.

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

7 (e) The department shall charge \$50 for issuance of a new license to replace a
8 license cancelled under AS 28.15.161(a)(5) because the person is restricted from
9 purchasing alcoholic beverages under AS 04.16.160.

10 * **Sec. 9.** This Act takes effect January 1, 2008.

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY COMMITTEE

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Vice-Chairman
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

State Capitol, Room 120
Juneau, Alaska 99801-1182

Fax

To: Jeery Luckhaupt

Fax #: 2029

Number of pages including cover: 2

From: Jane Pierson

Date: March 5, 2007

Re: JUD CS HB14

Jerry –

Please run a Judiciary CS on HB 14 to reflect the following changes.

Thank you

Jane

Alaska State Legislature
House of Representatives

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Changes in CS for HB 14 (JUD) version "V"

Section 4

Page 4, Lines 14-15

Fee for issuing a marked identification card

At the request of the DMV, the fee for issuing a marked identification card is set in statute at \$50.

Section 7

Add "identification card"

Adds "identification card" to the statutes requiring the courts and parole board to require a person ordered not to consume alcohol to surrender his or her driver's license.

Section 8

Page 6, Lines 7-9

Fee for issuing a marked driver's license

At the request of the DMV, the fee for issuing a marked identification card is set in statute at \$50.

Title amended accordingly to reflect the above described changes.

Proposed changes in House Judiciary to HB 14

Sec. 7

AS 28.15.191 (g)

Insert language so courts require the surrender of identification cards, along with drivers' licenses.

AS 29.15.191 (h)

Insert language so board of parole requires surrender of driver's license and identification card.

Sec. 4 & 8

DMV prefers to have the fee for marked ID cards and drivers' licenses set in statute. DMV suggests a fee between \$30-\$50 would be sufficient.

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Representative Harry Crawford
District 21

SPONSOR STATEMENT: CS for HB 14 (L&C)

Alaska has a problem with alcohol. Though we have some of the most punitive drunken driving laws in the nation, Alaskans continue to die in tragic crashes fueled by alcohol. In order to prevent these deaths and injuries from occurring, we need a new approach that keeps alcohol out of the hands of repeat offenders.

Repeat drunk drivers are often ordered not to consume alcohol as part of a sentence or as a condition of probation or parole. Currently there is no method by which a vendor of alcoholic beverages may determine whether an individual is under such restriction. House Bill 14 will require that the driver's license or state ID card of an individual court ordered not to drink be marked so that restaurants, bars and liquor stores are aware the individual is restricted from consuming alcohol.

The bill does not require vendors to check the identification of every individual attempting to purchase alcohol; however, if a vendor catches a person with a marked license attempting to purchase alcohol, the vendor may pursue a \$1000 civil penalty. The civil penalty provides a hefty financial incentive for vendors to check for marked licenses and ensure customers are legally permitted to purchase alcohol.

This new approach will stop repeat offenders who are court ordered not to drink from purchasing alcohol and will save lives. In passing House Bill 14, we will keep Alaskan families safe by preventing tragic deaths and injuries from happening. I respectfully ask for your support.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB014-DOA-DMV-2-6-07
 Bill Version: HB014
 () Publish Date: _____

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

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	*	*	*	*	*	*
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	*	*	*	*	*	*
Supplies	*	*	*	*	*	*
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	*	*	*	*	*	*
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	*	*	*	*	*	*
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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
 Division: Motor Vehicles
 Approved by: Kevin Brooks, Deputy Commissioner
 Agency: Department of Administration

Phone 269 5008
 Date/Time 2/6/07 12:00 PM
 Date 2/7/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB014-LAW-CJL-2-1-07
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act restricting access to alcohol. RDU Criminal
 Component Criminal Justice Litigation
 Sponsor Representative Crawford
 Requester House Labor & Commerce Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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						
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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 (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill would establish new law and amend current statute so as to restrict the purchase of alcohol by persons prohibited from consuming alcoholic beverages as a result of a conviction or condition of probation or parole. It provides that such a person may not knowingly enter or remain in licensed premises to purchase or obtain alcohol.

It provides that the driver's license of a person who has been ordered not to consume alcohol will be marked with the restriction.

The department does not anticipate any significant fiscal impact.

Prepared by: Robert Meiners, Acting Director Phone 465-5427
 Division Administrative Services Division Date/Time 2/5/07 8:51 AM
 Approved by: Robert Meiners for Talis Colberg, Attorney General Date 2/5/2007
 Agency Department of Law

Alaska State Legislature
House of Representatives

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Changes in CS for HB 14 (L&C)

Section 1

Page 2, Lines 6-8: Insert 04.16.047 (c)

New subsection clarifies that liquor licensees are not required to physically check the identification of every person entering their premises.

Section 2 and Conforming Amendments

Remove "privilege to purchase"

Language establishing the purchase of alcohol as a privilege removed and replaced with "restriction on purchasing alcoholic beverages."

Section 3

Page 3, Lines 11-12: Following "may" inserted "but has no duty or obligation to"

Clarifies that checking the identification of every person to see if it is marked is not mandatory.

Page 3, Line 16: Following "shall" inserted "be"

Correction to typographical error.

New Section 9 and Conforming Title Amendment:

Creates effective date of January 1, 2008. This provides sufficient time for the court system to develop a standardized form for reporting court orders to the DMV.

LEGAL SERVICES

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MEMORANDUM

February 22, 2007

SUBJECT: HB 14 and Civil Liability of Licensees

TO: Representative Harry Crawford

FROM: Gerald P. Luckhaupt
Legislative Counsel 

You have asked if HB 14 imposes new liabilities for civil damages on alcoholic beverage licensees in the following areas:

1. The licensee fails to check the ID of a person whose privilege to purchase alcohol is restricted under AS 04.16.160;
2. The licensee checks the ID, discovers that the person is not eligible to purchase alcohol, but consciously chooses to sell the alcohol to the person anyway;
3. The licensee does not serve the person with the restricted privilege but another person supplies drinks to the person while on the licensed premises.

I do not see where there is any greater civil liability of a licensee to a person whose privilege to purchase alcohol is restricted under the bill or to a third person who might be injured by the actions of the person restricted under any of these scenarios.¹ AS 04.21.020 specifies the civil liability of a licensee or other person for providing alcohol to another person. Subsection (a) of that section provides that:

a person who provides alcoholic beverages to another person may not be held civilly liable for injuries resulting from the intoxication of that person unless the person who provides the alcoholic beverages holds a license authorized under AS 04.11.080 - 04.11.220 or is an agent or employee of such a licensee and

(1) the alcoholic beverages are provided to a person under the age of 21 years in violation of AS 04.16.051, unless the licensee, agent, or employee secures in good faith from the person a signed statement, liquor identification card, or driver's license meeting the requirements of

¹ Under the second scenario listed above, the conscious choice of a licensee to serve a person who is not eligible to purchase alcoholic beverages could subject the licensee to criminal liability as explained in my memorandum of January 31, 2007, and could potentially result in suspension or revocation of the license under AS 04.11.370.

AS 04.21.050(a) and (b), that indicates that the person is 21 years of age or older; or

(2) the alcoholic beverages are provided to a drunken person in violation of AS 04.16.030.

This provision does not waive the immunity traditionally provided to a server of alcohol under the scenarios you have provided. Two other exceptions are also provided in AS 04.21.020(b)² and (d)³ neither of which would apply here.

GPL:med

07-119.med

² (b) A person who sells or barter an alcoholic beverage to another person in violation of AS 04.11.010 is strictly liable (1) to the recipient or another person for civil damages if, while under the influence of the alcoholic beverage, the person receiving the alcoholic beverage engages in conduct that results in civil damages and the recipient's being under the influence of the alcoholic beverage substantially contributes to the civil damages; and (2) for the cost to the state or a political subdivision of the state to criminally prosecute a person who receives an alcoholic beverage from a person who violates AS 04.11.010, if the prosecution results from the violation of AS 04.11.010 described in this subsection.

³ (d) A person who knowingly furnishes or delivers an alcoholic beverage to a person under 21 years of age in violation of AS 04.16.051 is civilly liable to the recipient or another person for civil damages if, while under the influence of the alcoholic beverage, the person receiving the alcoholic beverage engages in conduct that results in civil damages and the recipient's being under the influence of the alcoholic beverage substantially contributes to the civil damages.

LEGAL SERVICES

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Deliveres to: 129 6th St., Rm. 329

MEMORANDUM

January 31, 2007

SUBJECT: Criminal Liability for ABC Licensees and HB 14
(Work Order No. 25-LS0095AE)

TO: Representative Harry Crawford

FROM: Gerald P. Luckhaupt
Legislative Counsel 

You have asked if HB 14 provides for criminal liability for a licensee, or their agents or employees, for selling alcohol to a person whose privilege to purchase alcohol is restricted under HB 14. The answer is no, unless the licensee, agent, or employee knows the person is unable to purchase alcohol and sells the alcohol to the person anyway. In that situation the licensee, agent, or employee could be liable as a principle under AS 11.61.110.

In considering what HB 14 does, you can compare these persons who have their privilege to purchase alcohol restricted to persons under 21 years of age who have no privilege to purchase alcohol. Those under 21 may not access licensed premises,¹ may not possess, control, or consume alcohol,² may not be furnished alcohol by other persons,³ and may not be furnished alcohol by licensees, agents, or employees.⁴ HB 14 provides one section, proposed AS 04.16.047, that states that a person whose privilege to purchase alcohol is restricted may not access licensed premises to obtain or consume alcohol. Nothing similar to AS 04.16.052 is provided and so, generally, there would be no liability for a licensee, agent, or employee that sells or serves a person whose privilege to purchase alcohol is restricted. As I previously noted though, a licensee, agent, or employee who has knowledge that a particular person has had their privilege to purchase alcohol restricted who assists that person in obtaining alcohol could be liable as a

¹ AS 04.16.049.

² AS 04.16.050.

³ AS 04.16.051 makes the other person criminally liable for furnishing or delivering to a minor.

⁴ AS 04.16.052 makes the licensee, agent, or employee criminally liable.

Representative Harry Crawford

January 31, 2007

Page 2

principle under the accomplice liability law in AS 11.16.110.⁵

GPL:ljw

07-040.ljw

⁵ Sec. 11.16.110. Legal accountability based upon the conduct of another.
A person is legally accountable for the conduct of another constituting an offense if

- (1) the person is made legally accountable by a provision of law defining the offense;
- (2) **with intent to promote or facilitate the commission of the offense, the person**
 - (A) solicits the other to commit the offense; or
 - (B) **aids or abets the other in planning or committing the offense; or**
- (3) acting with the culpable mental state that is sufficient for the commission of the offense, the person causes an innocent person or a person who lacks criminal responsibility to engage in the proscribed conduct.

As printed in the Anchorage Daily News February 22, 2007

Card mark

Weapon against alcohol abuse

Rep. Harry Crawford has a simple bill in the works to enforce court-ordered alcohol abstinence. House Bill 14 would require convicted offenders to pay for a special driver's license or state ID that would carry an identifying mark so that alcohol retailers would know the customer had lost what state law calls the "privilege to purchase."

The law also would allow sellers to seek \$1,000 in civil damages, in addition to attorney fees from cardholders who illegally try to buy alcohol on their premises. That would give bar and liquor store owners and managers the financial incentive to go after violators and help enforce the law.

There shouldn't be much heartburn about this.

Nanny-state fears are groundless. The bill takes aim at those offenders deemed by a court of law, after full due process, to be too irresponsible to consume alcohol, at least during their sentence or while on probation or parole. Reasons for such restrictions are all too familiar -- driving under the influence, domestic violence, public drunkenness.

Sellers wouldn't be required to card every person who walks through the door, but would have an incentive to card more often and to card anyone who raises suspicions. For their part, offenders would carry a reminder of their sentence and the need to stay on the straight and narrow.

The bill does not increase a liquor store or bar owner's liability beyond what the law already provides. The burdens of cost and accountability would fall squarely on offenders, where they belong.

Don't want to carry the offending card? Then don't offend. Don't drink and drive, or drink and assault, or drink and pass out in the middle of the street. As Rep. Crawford says, despite some of the toughest drunken-driving laws in the country, Alaska still has a serious alcohol problem. The Anchorage Democrat's bill is part of the solution. The Anchorage Cabaret, Hotel, Restaurant and Retailer's Association is part of the answer too -- the group backs the legislation. It is possible that shutting out problem drinkers could help business owners' insurance rates.

HB 14 will get its first hearing Friday in the House Labor and Commerce Committee, the first of three House committees with jurisdiction. Members should give it a close look, improve it as needed, then start it on its way to passage.

BOTTOM LINE: A marked card for alcohol abusers will take away their purchasing privileges and prevent more abuse.

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Anchorage Daily News

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Alcohol can be kept from offenders**COMPASS: POINTS OF VIEW FROM THE COMMUNITY**

By REP. HARRY CRAWFORD AND BERNADETTE BRADLEY

(Published: February 9, 2007)

In the past decade, the Alaska Legislature has taken an aggressive approach to combat drunken driving by increasing fines and sentences. Despite some of the toughest laws in the nation, Alaskans continue to be injured or killed in accidents fueled by alcohol.

Many convicted of drunken driving go on to commit the crime again. Statistics show that a third of the people arrested for drunken driving are repeat offenders.

These repeat offenders are 40 percent more likely to be involved in a fatal crash. Alaska has increased punishment for repeat offenders, but those penalties only kick in after the crime has been committed and someone has possibly been injured or killed.

Repeat offenders are often ordered not to consume alcohol as part of a sentence or as a condition of probation or parole. Yet there is currently no way for restaurants, nightclubs, bars and liquor stores to know if an individual has been court-ordered not to drink. There is nothing to stop him from going to the store and buying alcohol.

HB 14 would change that. If a convicted drunken driver were court-ordered not to drink for a period of time, a mark would be placed on his or her driver's license or state ID card for the duration of the order. That mark would alert businesses that sell alcohol that the individual was prohibited from drinking. If a business caught a person with a marked license attempting to illegally purchase alcohol, then the business could pursue a \$1,000 penalty, similar to the penalty awarded if a minor is caught attempting to purchase illegally.

Some people confuse HB 14 with other, more controversial approaches. It isn't a mandatory ID law. The laws regarding which customers are required to show ID are not changed by this legislation. It doesn't mean your grandmother would have to start showing ID in order to buy a bottle of wine for Sunday dinner. Checking ID remains voluntary, but there is a \$1,000 incentive through the civil penalty for liquor licensees to make sure their customers aren't under court order not to drink.

HB 14 also doesn't require bars, restaurants or liquor stores to buy any special equipment, like electronic scanners for IDs. Some stores have started using scanning technology, but most have not. The mark on the license will be a physical display visible to the naked eye. The information will also be on the card electronically for those businesses that utilize scanning technology. But there won't be any added cost for doing business in Alaska.

This legislation is supported by the Anchorage Cabaret, Hotel and Restaurant Retailer association. Anchorage CHARR is a trade organization that represents local restaurants, hotels, bars, liquor stores and other hospitality-related businesses.

The 2007 strategic plan of Anchorage CHARR includes efforts to continue to reduce drunken-driving statistics. In May of 2005, Anchorage CHARR initiated the successful "Off the Road" program, which

provides customers with a free, safe way of getting home if they have had too much to drink. Anchorage CHARR encourages its members to help customers make the right choice, to drink responsibly and drive responsibly. HB 14 is a step in the right direction to deter future repeat offenders.

Too many Alaskan lives have been destroyed by drunken driving. It's a crime that affects the whole community. By trying new ways to stop problem drinkers from buying alcohol, we can prevent drunken-driving deaths and injuries from happening. Working together, we can lead the way to protecting Alaska families.

Rep. Harry Crawford is the sponsor of HB 14 and represents East Anchorage in the Alaska State Legislature. Bernadette Bradley is the owner of the Bradley House in Anchorage and the president of Anchorage CHARR.

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*Alaska Cabaret, Hotel,
Restaurant & Retailers Association*



1111 East 80th Ave., Suite 3 • Anchorage, Alaska 99518
(907) 274-8133 • Fax: (907) 274-8640
Toll Free In Alaska: (800) 478-2427

The Honorable Harry Crawford
Alaska State Legislature
House of Representatives
State Capitol, Room 400
Juneau, AK 99801-1182

January 23, 2007

Dear Representative Crawford,

I am writing you today on behalf of the Alaska Cabaret, Hotel, Restaurant and Retailer's Association, a non-profit member-based trade organization for Alaska's hospitality industry.

Alaska CHARR would like to share our support of House Bill 14, an Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to the 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.

Alaska CHARR supports the intent of this bill, as a voluntary option for licensed premises to civilly prosecute those subject to the conditions of this bill.

We appreciate your commitment to understanding our industry's concerns, and the time you spend working with our industry to create a piece of legislation that can be effectively used to combat abuse of alcohol in Alaska.

Sincerely,

Dale Fox
President & CEO, Alaska CHARR

STATE OF ALASKA

Sarah Palin, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

*Advisory Board on Alcoholism and Drug Abuse
Alaska Mental Health Board*

*P.O. BOX 110608
JUNEAU, AK 99811-0608
PHONE: (907) 465-8920
FAX: 465-4410*

February 26, 2007
Testimony to House Labor & Commerce Committee
Re: HB 14

The Advisory Board on Alcoholism and Drug Abuse and the Alaska Mental Health Board strongly support HB 14.

HB 14 uses an **environmental strategy** of prevention that has been proven to reduce alcohol abuse and related problems.

An environmental strategy is one that uses public policy and community-level interventions to affect whole populations. While traditional prevention strategies are aimed at helping the individual resist the temptation to use alcohol through information and skill training, environmental strategies work by changing the overall community system that informs its members what society tolerates, and of which it disapproves.

Three common methods of environmental change that have worked with alcohol abuse are:

1. Restrictions on retail sales or sellers: restrictions on the number, location, or density of retail outlets or on the days and hours of sales;
2. Price controls: sales taxes, or bans on drink discounts such as "happy hour";
3. Controls on advertising and promotion;
4. Purchase laws: minimum legal drinking age for purchasing alcohol.

HB 14 would add a new prevention method in the area of purchase laws by making it more difficult for people legally barred from buying or consuming alcohol to purchase it.

The advantages of environmental strategies such as that provided by HB 14 include:

- Broader reach. The bill has the potential to generate larger effects than prevention aimed at individuals. The bill would produce widespread small changes in behavior that result in substantial net benefits to society in terms of reduced problems;
- More substantial effects. While individually focused prevention efforts such as education and skill-building produce some effects on knowledge and attitudes, many environmental strategies have been shown to substantially reduce consumption and use-related problems including traffic crashes, unintentional injuries, suicide and assaultive offenses;
- More enduring effects. Environmental approaches result in the creation of a substantially changed system that offers few opportunities and inducements to use alcohol for both current and future generations;
- Ease of maintenance and cost-effectiveness. Environmental approaches have the benefits of being comparatively easy to maintain, and less costly than strategies directed at individuals.

We urge the committee pass HB 14 as an effective and responsible means to reduce alcohol abuse and its cost to the State of Alaska.

Heather Beaty

From: Tom McGrath [tommcgrath@gci.net]
Sent: Sunday, February 04, 2007 8:44 AM
To: Sen. Hollis French; Sen. Johnny Ellis; Rep. Kevin Meyer; Rep. Berta Gardner; Rep. Mike Doogan
Cc: Governor Sarah Palin; Rep. Harry Crawford
Subject: HB 14

Ladies and Gentlemen:

I encourage you to work very hard to pass HB14 this year. Continually we are faced with the consequences of Alcohol Abuse. Just last week a man in the Mat-Su Valley was apprehended operating a motor vehicle, intoxicated, with 6 prior D.U.I.'s. This bill will not solve all the problems but it will highlight the problem and make every one who consumes alcohol face the problem.

I feel there is nothing wrong with the responsible consumption of alcohol but we pay a very heavy price dealing with the misuse of alcohol. Law enforcement people will tell you that eighty per cent of the people in prison in Alaska are there with alcohol as a contributing factor. What is truly tragic is that thirty seven percent of prisoners in jail in Alaska are Alaska Natives while they only represent eight per cent of the population. Almost all are in jail with alcohol as a contributing factor.

O.C. Madden from Brown Jug first suggested this measure 6 years ago. Under his guidance, Brown Jug does a good job of trying not to sell to people who should not buy. With this law there would be a systematic approach to preventing abusers from buying alcohol in all Alcohol outlets in the State of Alaska. I don't think the problem will end here but it is one small step in the right direction.

I am a conservative person and I generally don't think Government should interfere with our lives. However, when the rights of one person causes significant harm to another the Government needs to step in. This is one of those times.

I encourage you to make HB14 a priority this year.

Tom McGrath
907-250-4302 Cell
907-562-8730 Office
907-563-0836 Fax
tommcgrath@gci.net

No virus found in this outgoing message.

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Version: 7.5.432 / Virus Database: 268.17.22/666 - Release Date: 2/3/2007 3:31 PM

Heather Beaty

From: bonniel.jack [bonniel.jack@alaska.net]
Sent: Thursday, February 15, 2007 2:05 PM
To: Rep. Carl Gatto; Representative_Bob_Buch@legis.state.us; Rep. Kurt Olson; Rep. Berta Gardner; Representative_Jay@legis.state.ak.us; Rep. Mark Neuman; Rep. Gabrielle LeDoux
Cc: Rep. Harry Crawford
Subject: Support HB 14, Restrict Access to Alcohol

Members of Alaska State House, Labor & Commerce Committee --

I support the passage of House Bill 14, Restrict Access to Alcohol.

We all know that Alaska has a major alcohol and drunk problem. I drink so I have nothing against drinking if done in moderation. I believe the lack of moderation is what is wrong with the world in general.

I've heard the arguments against this bill based on the privacy of the individual but I believe that the purchase of alcohol is not a right but a privilege. If you are a "repeat drunk driver" then I believe you lost the privilege of purchasing alcohol and that right to privacy.

I'm a mother of two grown children and the grandmother of a 12 year old granddaughter and 8 year old grandson. When they misbehave they are punished. If they repeat the behavior, the punishment increases. Sometimes they do not get to go somewhere or do something that involves them having to tell their friends. Repeat drunk drivers should get no less. My grandchildren, even in their youth, do not make the same mistake very often, if at all. Hopefully, this bill will cause the one time drunk driver to not repeat his/her crime.

It really seems very simple to me.

B/

2/15/2007

Jane Pierson

From: Emily Stancliff on behalf of Rep. Jay Ramras
Sent: Thursday, April 12, 2007 1:51 PM
To: Jane Pierson
Subject: FW: HB 14

-----Original Message-----

From: Larry Schrader [mailto:larry_schrader@ghscorp.org]
Sent: Thursday, April 12, 2007 1:24 PM
To: Rep. Jay Ramras
Subject: HB 14

Larry Schrader
5597 Aisek Street
Juneau, AK 99801-9522

April 12, 2007

The Honorable Jay Ramras
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Ramras:

I would like to offer my opinion on this topic as a professional who deals with individuals on a daily basis who are ordered by the court to abstain from alcohol. I'm currently the Field Case Manager for the Serious & Violent Offender Re-Entry Initiative (SVORI) at Gastineau Human Services Corporation (GHS) in Juneau, Alaska. Of the 22 members in the program that fall under my guidance, a vast majority of them committed their crimes while under the influence of alcohol and/or drugs. This bill would give concerned citizens one more way to monitor individuals who have no business drinking. The biggest problem I deal with on a daily basis is the lack of supervision for the offender. Our system has left our parole and probation officers over worked and under manned. More often than not, an offender can drink as long as they're not seen by a probation officer and have police contact. The new ID would give the general public that is unaware of the conditions of the individuals release a way to help keep the streets a little safer for everyone. I would like to leave the committee with one last stat. As an Alaska Department Of Corrections Victim Impact Class instructor I have come across many disturbing stats but one that truly sticks out is this one. Alcohol was a primary or contributing factor in 80 percent to 95 percent of all criminal offenses committed. This stat was published in May 2000 in the Final Report of the Alaska Criminal Justice Assessment Commission. Thank you for taking the time to read my thoughts on this matter.

Sincerely,

Larry D. Schrader
907-780-3028

This message has been verified by CapwizXC as authentic and sent by this individual.
Authentication ID: [jvngPKZ1]

Brenda Moore

2200 E 56th Avenue ♦ Anchorage, Ak 99507 ♦ 907-563-7576

February 22, 2007

To: House Labor & Commerce Committee
Re: HB 14

Representative Harry Crawford has introduced HB 14 "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 14. 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 purchase alcohol.

I am a member of the Mental Health Board and which is also in support of HB 14. I ask that you support the passage of HB 14 as a measure to preserve lives.

Sincerely,

Brenda Moore
Christian Health Associates
Alaska Mental Health Board
Statewide Suicide Prevention Council

From: Jeri Lanier [jerilanier@mosquitonet.com]
Sent: Wednesday, April 11, 2007 5:58 PM
To: Rep. Jay Ramras
Subject: Support HB 14

Jeri Lanier
790 Green Meadow Dr.
Fairbanks,, AK 99712-1429

April 11, 2007

The Honorable Jay Ramras
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Ramras:

I would just like to say that while I appreciate the concept of this bill, I don't believe it will achieve the end you are looking for. Chronic offenders will still find ways to obtain alcohol, although this might slow them down a bit. I also believe it will be cost prohibitive to oversee the program. My personal opinion is that the money would be better spent returning treatment to the Corrections system. Treatment works for those who want it, and for those who don't want treatment - this bill will not change them either.

Sincerely,

Jeri Lanier
455-8855

This message has been verified by CapwizXC as authentic and sent by this individual. Authentication ID: [ONJ20Es7]

From: Anna Sappah [annasappah@hotmail.com]
Sent: Wednesday, April 11, 2007 9:53 PM
To: Rep. Jay Ramras
Subject: HB 14 will save lives

Anna Sappah
1711 Logan Street
Anchorage, AK 99508-3239

April 12, 2007

The Honorable Jay Ramras
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Ramras:

HB 14 will prevent repeat drunk driving accidents, injuries and fatalities, and will save the state of Alaska millions of dollars health care and criminal justice costs. It will also save business millions in lost productivity and insurance costs.

HB 14 will save lives. Please pass the bill and keep alcohol out of the hands of those who present a danger to the community.

Sincerely,

Anna Sappah
(907) 277-8796

This message has been verified by CapwizXC as authentic and sent by this individual. Authentication ID: [sgamDHR5]

From: Daniel Ungier [housing@unitedwayseak.org]
Sent: Wednesday, April 11, 2007 4:52 PM
To: Rep. Jay Ramras
Subject: Support HB 14

Daniel Ungier
PO Box 20249
Juneau, AK 99802-0249

April 11, 2007

The Honorable Jay Ramras
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Ramras:

Members of Juneau Homeless Coalition strongly support HB 14 for public safety reasons, for financial reasons, and because we believe it is also an effective strategy for long-term impact. The Coalition advocates for bills that make a lasting impact to the problem of substance abuse because we recognize that substance abuse is often a direct contributing factor to homelessness.

Furthermore, the cost of providing emergency services to homeless individuals who suffer from substance dependency is much higher to the public than the cost of services to address the problem directly. These emergency services cannot begin to make the same impact on breaking the cycle of poverty, substance abuse, and homelessness as much as direct efforts to address the problem. HB 14 will save the state millions of dollars in health care and criminal justice costs.

HB 14 is a successful strategy to help break the cycle of substance abuse rather than resorting to providing emergency services – and, in worst case but not uncommon scenarios, providing for homeless individuals with chronic alcohol problems. HB 14 helps keeps alcohol out of the possession of those who are ordered not to drink. It cannot solve this problem, but it will make a major impact.

Finally, HB 14 will save lives. It will benefit not only potential offenders, but also the public safety of all Alaskans.

I urge your support for all of the reasons above.

Sincerely,

Daniel Ungier, Chair, Juneau Homeless Coalition 463-5530

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STATE OF ALASKA

Sarah Palin, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

*Advisory Board on Alcoholism and Drug Abuse
Alaska Mental Health Board*

*P.O. BOX 110608
JUNEAU, AK 99811-0608
PHONE: (907) 465-8920
FAX: 465-4410*

April 11, 2007

Testimony to the House Judiciary Committee by Angela Salerno, Advocacy Coordinator
Re: HB 14

The Advisory Board on Alcoholism and Drug Abuse and the Alaska Mental Health Board strongly support HB 14.

HB 14 uses an **environmental strategy** of prevention that has been proven to reduce alcohol abuse and related problems.

An environmental strategy is one that uses public policy and community-level interventions to affect whole populations. While traditional prevention strategies are aimed at helping the individual resist the temptation to use alcohol through information and skill training, environmental strategic work by changing the overall community system that informs its members what society tolerates, and of what it disapproves.

Three common methods of environmental change that have worked with alcohol abuse are:

1. Restrictions on retail sales or sellers: restrictions on the number, location, or density of retail outlets or on the days and hours of sales;
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- **More enduring effects.** Environmental approaches result in the creation of substantially changed systems that offers few opportunities and inducements to use alcohol for both current and future generations;
- **Ease of maintenance and cost-effectiveness.** Environmental approaches have the benefits of being comparatively easy to maintain, and less costly than strategies directed at individuals.

We urge the committee pass HB 14 as an effective and responsible means to reduce alcohol abuse and its cost to the State of Alaska.

Jane Pierson

From: Emily Stancliff on behalf of Rep. Jay Ramras
Sent: Thursday, April 12, 2007 1:51 PM
To: Jane Pierson
Subject: FW: HB 14

-----Original Message-----

From: Larry Schrader [mailto:larry_schrader@ghscorp.org]
Sent: Thursday, April 12, 2007 1:24 PM
To: Rep. Jay Ramras
Subject: HB 14

Larry Schrader
5597 Aisek Street
Juneau, AK 99801-9522

April 12, 2007

The Honorable Jay Ramras
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Ramras:

I would like to offer my opinion on this topic as a professional who deals with individuals on a daily basis who are ordered by the court to abstain from alcohol. I'm currently the Field Case Manager for the Serious & Violent Offender Re-Entry Initiative (SVORI) at Gastineau Human Services Corporation (GHS) in Juneau, Alaska. Of the 22 members in the program that fall under my guidance, a vast majority of them committed their crimes while under the influence of alcohol and/or drugs. This bill would give concerned citizens one more way to monitor individuals who have no business drinking. The biggest problem I deal with on a daily basis is the lack of supervision for the offender. Our system has left our parole and probation officers over worked and under manned. More often than not, an offender can drink as long as they're not seen by a probation officer and have police contact. The new ID would give the general public that is unaware of the conditions of the individuals release a way to help keep the streets a little safer for everyone. I would like to leave the committee with one last stat. As an Alaska Department Of Corrections Victim Impact Class instructor I have come across many disturbing stats but one that truly sticks out is this one. Alcohol was a primary or contributing factor in 80 percent to 95 percent of all criminal offenses committed. This stat was published in May 2000 in the Final Report of the Alaska Criminal Justice Assessment Commission. Thank you for taking the time to read my thoughts on this matter.

Sincerely,

Larry D. Schrader
907-780-3028

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AS 04.21.050

ALASKA STATUTES

Title 4. Alcoholic Beverages.

Chapter 21. General Provisions.

Sec. 04.21.050 Proof of age.

(a) If a licensee or an agent or employee of the licensee questions or has reason to question whether a person entering licensed premises, or ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure alcoholic beverages, has attained the age of 21 years or is entering without consent in violation of AS 04.16.049(a)(3) and has not attained the age of 16 years, that licensee, agent, or employee shall require the person to furnish proof of age acceptable under (b) of this section or proof of consent in a form determined by the board. If the person questioned does not furnish proof of age acceptable under (b) of this section, or if a licensee, agent, or employee questions or has reason to question the validity of the proof of age furnished, the licensee, employee, or agent shall require the person to sign a statement that the person is over the age of 21 or 16 years, as appropriate. This statement shall be made on a form prepared by and furnished to the licensee by the board.

(b) A valid driver's license or a valid identification card is acceptable as proof of age when used for identification in the purchase of alcoholic beverages and for securing entry to and remaining on premises where alcoholic beverages are sold if the license or identification card is made of or encased in plastic and contains a photograph of the license or card holder and a statement of age or date of birth.

(c) A licensee, or an agent or employee of the licensee, may not be charged for a violation of AS 04.16.051 -- 04.16.052 if a signed statement as provided in (a) of this section is secured in good faith, or a valid driver's license or identification card is presented indicating that the owner and possessor of the presented driver's license or identification card is 21 or 16 years of age or over, as appropriate.

(§ 4 ch 131 SLA 1980; am §§ 15, 16 ch 109 SLA 1983)

HISTORICAL NOTES

NOTES TO DECISIONS

Comparative negligence. -- In a tort action brought by a minor or her estate for injuries caused by the minor's use of liquor purchased unlawfully from the holder of a liquor license, in violation of this section, the licensee is not entitled to defend, in part, on the basis of the minor's comparative negligence in making the illegal purchase. Loeb v. Rasmussen, 822 P.2d 914 (Alaska 1991).

AS 28.15.111

ALASKA STATUTES

Title 28. Motor Vehicles.

Chapter 15. Drivers' Licenses.

Article 1. Issuance, Expiration, and Renewal of Licenses.

Sec. 28.15.111 Licenses issued to drivers; anatomical gift and living will document.

(a) Upon successful completion of the application and all required examinations, and upon payment of the required fee, the department shall issue to every qualified applicant a driver's license indicating the type or general class of vehicles that the licensee may drive. The license must display (1) a distinguishing number assigned to the license; (2) the licensee's full name, address, date of birth, brief physical description, and color photograph; (3) either a facsimile of the signature of the licensee or a space upon which the licensee must write the licensee's usual signature with pen and ink; (4) a holographic symbol intended to prevent illegal alteration or duplication; and (5) for a qualified applicant who is under age 21, the words "UNDER 21". A license may not display the licensee's social security number and is not valid until signed by the licensee. If facilities are not available for the taking of the photograph required under this section, the department shall endorse on the license, the words "valid without photograph."

(b) The department shall provide a method, at the time that an operator's license is issued, by which the owner of a license may make an anatomical gift under AS 13.52. The method must provide a means by which the owner may cancel the anatomical gift. The department shall inform each applicant in writing that, if the applicant executes a gift under AS 13.52 and if the gift is made with the license, the department will transmit the information on the license to a donor registry created under AS 13.50.110. The department shall also direct the applicant to notify a procurement organization or the department under AS 13.50.140 if the license is destroyed or mutilated or the gift is revoked under AS 13.52.170. The department shall carry out the requirements of AS 13.50.100 -- 13.50.190.

(§ 19 ch 178 SLA 1978; am § 2 ch 50 SLA 1993; am § 21 ch 80 SLA 1997; am § 2 ch 40 SLA 2001; am § 7 ch 68 SLA 2004; am § 7 ch 83 SLA 2004)

HISTORICAL NOTES

Revisor's notes. -- In 2004, in subsection (b), "AS 13.52" was substituted for "AS 13.50 or includes an anatomical gift in a living will under AS 18.12" and "AS 13.52.170" was substituted for "AS 13.50.050" in order to reconcile chs. 68 and 83, SLA 2004.

REFERENCES

Cross references. -- For the applicability of the 2001 amendment of (a) of this section, see § 4, ch. 40, SLA 2001, in the 2001 Temporary and Special Acts.

HISTORICAL NOTES

Effect of amendment. -- The 2001 amendment, effective June 26, 2001, inserted "may not display the licensee's social security number and" in the next-to-last sentence in subsection (a).

The first 2004 amendment, effective September 14, 2004, rewrote subsection (b).

The second 2004 amendment, effective January 1, 2005, rewrote subsection (b).

AS 28.15.161

ALASKA STATUTES

Title 28. Motor Vehicles.

Chapter 15. Drivers' Licenses.

Article 2. Cancellation, Suspension, Revocation, or Limitation of Drivers' Licenses.

Sec. 28.15.161 Cancellation of driver's license.

- (a) The department shall cancel a driver's license upon determination that
- (1) the licensee is not medically or otherwise entitled to the issuance or retention of the license, or has been adjudged incompetent to drive a motor vehicle;
 - (2) there is an error or defect in the license;
 - (3) the licensee failed to give the required or correct information in the licensee's application; or
 - (4) the license was obtained fraudulently.
- (b) The licensee may apply for a new license at any time after cancellation upon removal of the cause for the cancellation.

(§ 19 ch 178 SLA 1978)

HISTORICAL NOTES

NOTES TO DECISIONS

Intent of act. -- This act plainly expresses the intent that all revocations and suspensions of operators' licenses be the act of the Department of Public Safety. Knudsen v. City of Anchorage, 358 P.2d 375 (Alaska 1960), overruled on other grounds, Roberts v. State, 458 P.2d 340 (Alaska 1969); Glasgow v. State, 469 P.2d 682 (Alaska 1970), and Baker v. City of Fairbanks, 471 P.2d 386 (Alaska 1970).



HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120
(907) 465-4990

COMMITTEE MEMBERS

Rep. Jay Ramras
Chairman
Room, 118
(907) 465-3004

Rep. Nancy Dahlstrom
Vice-Chairman
Room 409
(907) 465-3783

Rep. John Coghill
Room 214
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Rep. Bob Lynn
Room 104
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Rep. Ralph Samuels
Room 204
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Rep. Max Gruenberg
Room 110
(907) 465-4940

Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: April 16, 2007

To: Representative Kevin Meyer
Co-Chairman House Finance Committee

From: Representative Jay Ramras
Chairman House Judiciary Committee

Re: Referral File CSHB14(JUD)

Attached are the following documents for the referral file for HB14:

- CSHB14(JUD) 25-LS0095\V
- Memo re: Changes version "V"
- House Judiciary Committee Report
- Sponsor Statement
- Fiscal Notes
 - ADM - Indeterminate
 - LAW - 0
- Changes re" L&C CSHB14
- CSHB14(L&C) 25-LS0095\O
- Legal Services Memorandum, dated February 22, 2007
- HB14 (25-LS0095\E)
- Support