

**HEB**

**126**

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: CSHB 126(JUD)  
 (H) Publish Date: 3/14/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
 Title Commercial Drivers Licenses RDU Planning  
 Component Program Development  
 Sponsor Johansen  
 Requester House STA Component No. 365

**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          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (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)

This bill brings the state into compliance with the Motor Carrier Safety Improvement Act of 1999. Under section 384.401 of the Federal Motor Carrier Safety Regulations (49 CFR 384.401), a state that is not in compliance is subject to the withholding of up to five percent of Federal-aid highway funds that would otherwise be appropriated under 23 U.S.C. section 104(b). This reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$7 million in federal fiscal year (FFY) 2008 (starting October 1, 2007) and \$14 million in FFY 2009 (October 2008). These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP). Additionally failure to come into compliance could result in the loss of the Motor Carrier Safety Assistance Program funding. This would be \$850.0 for FY08 and FY09.

Prepared by: Mary Siroky Phone 465-4772  
 Division: Commissioner's Office Date/Time 3/9/07 12:00 AM  
 Approved by: Nancy Slagle, Director Admin Service Date 3/9/2007  
 Agency: Department of Transportation and Public Facilities

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 126  
 (H) Publish Date: 2/21/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to driver's licenses and permits, commercial driver's licenses,..." RDU: Division of Motor Vehicles  
 Component: Motor Vehicles  
 Sponsor: Rep. Johansen  
 Requester: (H) STA 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      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Travel                 | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Contractual            | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Supplies               | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 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        |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |     |     |     |     |     |     |
|-----------------------------|-----|-----|-----|-----|-----|-----|
| <b>CAPITAL EXPENDITURES</b> | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-----------------------------|-----|-----|-----|-----|-----|-----|

|                               |     |     |     |     |     |     |
|-------------------------------|-----|-----|-----|-----|-----|-----|
| <b>CHANGE IN REVENUES ( )</b> | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-------------------------------|-----|-----|-----|-----|-----|-----|

**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        |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (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)

This bill will update existing motor vehicle statutes to bring the state into compliance with current and upcoming federal regulations for commercial driver's licenses.

We do not anticipate any change in expenditures or revenue as a result of this bill.

Prepared by: Duane Bannock, director  
 Division: Motor Vehicles  
 Approved by: Kevin Brooks, Deputy Commissioner  
 Agency: Department of Administration

Phone 269-5559  
 Date/Time 2/13/07 10:00 AM  
 Date 2/13/2007



# SENATE COMMITTEE REPORT

DATE: 3/23/07

FURTHER: Rules

DATE TURNED  
IN TO OFFICE: MARCH 29 2007

Transportation Committee considered CS FOR HOUSE BILL NO. 126(JUD)(title am)

## HB 126 FORMS/DOCUMENTS/RIGHTS RELATED TO DRIVING

"An Act relating to access to criminal justice information for certain employees of the Department of Administration; relating to the procedure for changes to certificates, registration, titles, licenses, permits, and other forms relating to driving and motor vehicles; relating to requirements for, cancellations of, renewals of, reinstatements of, expirations of, disqualifications of, withdrawals of, suspensions or revocations of, and exemptions from commercial and other driver's licenses, permits, or privileges to drive; relating to records concerning motor vehicles and their drivers; relating to penalties for violating commercial driver licensing requirements; relating to the driver's license compact; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

**SENATE BILL:**  
 Same Title  
 New Title

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**HOUSE BILL:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

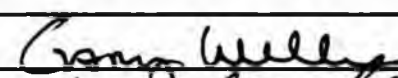
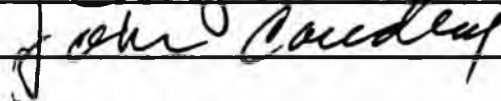

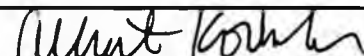
**NEW FISCAL NOTE(S):**

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
|            |      |        |        |      |     |
|            |      |        |        |      |     |
|            |      |        |        |      |     |
|            |      |        |        |      |     |
|            |      |        |        |      |     |

**PREVIOUS FISCAL NOTE(S):**

| Department | Date    | Fiscal | Indet. | Zero | FN# |
|------------|---------|--------|--------|------|-----|
| ADMIN      | 2/13/07 |        |        | ✓    | 1   |
| DOT        | 3/9/07  |        |        | ✓    | 3   |
|            |         |        |        |      |     |
|            |         |        |        |      |     |
|            |         |        |        |      |     |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS:  | PRINTED LAST NAME | Do PASS | Do NOT PASS | NO REC | AMEND |
|--|-------------------|---------|-------------|--------|-------|
|         | Wilken            | ✓       |             |        |       |
|         | Country           | ✓       |             |        |       |
|         | Wiebeckowski      |         |             | ✓      |       |
|  |                   |         |             |        |       |
| CHAIR:  | Kohler            | ✓       |             |        |       |



# HOUSE-SENATE HISTORY (continued)

**20**

Version Received from the Senate:  
\_\_\_\_\_

Concur in Senate Amendment  
Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

[ ] EFD same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

[ ] CBR same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

[ ] CRT same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

Failed concur in Senate amd., ask Senate recede  
Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

Senate failed to recede from amendment  
Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

CC appointed by House \_\_\_\_\_ Chair

\_\_\_\_\_

CC appointed by Senate \_\_\_\_\_ Chair

\_\_\_\_\_

(H) Granted Limited Powers of Free Conference

(S) Granted Limited Powers of Free Conference

**20**

(H) Adopted CC Rpt \_\_\_\_\_  
Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

[ ] EFD same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

[ ] CBR same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

[ ] CRT same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

(S) Adopted CC Rpt \_\_\_\_\_  
Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

[ ] EFD same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

[ ] CBR same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

[ ] CRT same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

**Sent to enrolling**  
Received from Enrolling \_\_\_\_\_ Manifest Error

**Sent to Governor**  
\_\_\_\_\_ By Governor

Chapter Number \_\_\_\_\_

Filed with Lieutenant Governor

# ALASKA STATE LEGISLATURE

Session:  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3424  
Fax (907) 465-3793

Interim:  
50 Front Street, Suite 203  
Ketchikan, AK 99901  
(907) 247-4672  
Fax (907) 225-8546



Chair  
Transportation

Vice Chair  
Fisheries

Member  
Economic Development,  
Trade and Tourism  
State Affairs

REPRESENTATIVE KYLE JOHANSEN  
DISTRICT ONE  
April 17, 2007

## VIA HAND DELIVERY

Honorable Senator Albert Kookesh  
Chairman, Senate Transportation Committee  
State Capitol, Room 11  
Juneau, Alaska 99801

Re: Scheduling HB 126 in Senate  
Transportation

Dear Senator Kookesh:

Please schedule HB 126 for a hearing in your committee. The bill would bring the state back into compliance with federal law. A copy of the notice from federal DOT that Alaska is out of compliance is attached. HB 126 must pass this session or sanctions will be imposed in five months. These sanctions include:

- (1) Loss of approximately \$7 million in highway funds this year and approximately \$14 million a year after that;
- (2) Suspension or loss of federal Motor Carrier Safety Act funds used to help reduce commercial driving accidents in Alaska; and
- (3) Loss of the ability of Alaska's DMV to issue CDL's to Alaska truck drivers that are valid for interstate commerce, i.e., between Alaska and Canada.

Sincerely,

  
Representative Kyle Johansen



U.S. Department  
of Transportation

**Federal Motor Carrier  
Safety Administration**

The Honorable Sarah Palin  
Governor of Alaska  
Juneau, AK 99811

Administrator

400 Seventh St., S.W.  
Washington, D.C. 20580

Refer to: MC-ESL

JAN 31 2007

Dear Governor Palin:

This is a follow-up to the May 17, 2006, letter in which the Federal Motor Carrier Safety Administration (FMCSA) issued a determination of substantial noncompliance to the State of Alaska. That determination was based on the State's failure to adopt the statutory authority needed to enforce all the required Commercial Driver's License provisions of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). In addition, Alaska had not met the projected dates in its Action Plan (submitted in February 2006 to FMCSA) for beginning and passing the Structured Test administered by the American Association of Motor Vehicle Administrators (AAMVA) for transmitting and receiving via the Commercial Driver License Information System the new data elements required by MCSIA.

Since the May 17, 2006 letter, FMCSA has been encouraged that Alaska has established the date of January 29, 2007, to begin structured testing with AAMVA and has drafted legislation that it plans to introduce to the legislature that would bring the State into compliance with the MCSIA provisions for which it lacked statutory authority. Tracy Lewellyn, FMCSA Division Administrator in Alaska, has indicated to us that Kerry Hennings and Shelly Mellott deserve praise for their efforts in resolving compliance issues.

Nonetheless, this letter is a reminder that Alaska is scheduled to lose up to 5 percent of its Federal-aid highway funds on October 1, 2007. The FMCSA will withdraw this determination only when the required legislation is passed and signed by you and when the State successfully completes the structured test of the MCSIA data elements administered by AAMVA.

The FMCSA would like to see Alaska take the necessary steps to avoid sanctions and join other States in creating a system to keep unsafe drivers of commercial motor vehicles off our highways by implementing the provisions of MCSIA.

The FMCSA Division Administrator Tracy Lewellyn and her staff are available to assist you. She may be contacted at (907) 271-4068.

Sincerely yours,

John H. Hill

cc:

Annette Kreitzer, Commissioner, Alaska Department of Administration  
Duane Bannock, Director, Alaska Division of Motor Vehicles  
Leo von Scheben, Commissioner, Alaska Department of Transportation  
Dominick Spataro, Division Chief, FMCSA CDL Division  
Tracy Lewellyn, FMCSA Division Administrator, Alaska  
William R. Paden, FMCSA Field Administrator, Western Service Center  
Kent Fleming, FMCSA Western Service Center  
J. Richard Capka, Administrator, Federal Highway Administration

**Allison Biastock**

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**From:** Randall Ruaro  
**Sent:** Monday, April 16, 2007 5:21 PM  
**To:** Mary Siroky; Duane Bannock; David Scott  
**Cc:** 'Brooks, Kevin (Dept. Admin)'; Allison Biastock; Nancy Barnes  
**Subject:** RE: HB 126

As far as we know, the bill was pulled and sent back to the Senate Transportation Committee to deal with the issues raised by Sen. French. We are unaware that any other legislator has a problem with the bill.

The pressure for this bill to pass will likely increase greatly in the next several weeks since Alaska has been given notice by the Federal Government that its CDL program is out of compliance and sanctions will be imposed in five months starting October 1, 2007. Those sanctions include prohibiting the Alaska DMV from issuing CDL's that will be good for interstate commerce, i.e., driving between Canada and Alaska. (This is the provision the Alaska Truckers are most worried about) The sanctions also include \$7 million this year in highway aid funds and forfeiture of \$14 million a year after that. Also, nearly a million a year in Motor Carrier Safety Act funds will be suspended or possibly lost completely. I think these funds are used by DOT and law enforcement to inspect trucks to make sure the weights are OK and to inspect them for safety issues.

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**From:** Mary Siroky [mailto:Mary\_Siroky@dot.state.ak.us]  
**Sent:** Monday, April 16, 2007 4:26 PM  
**To:** Duane Bannock; Randall Ruaro; David Scott  
**Cc:** 'Brooks, Kevin (Dept. Admin)'  
**Subject:** HB 126

I just got off the phone with Allison in Sen. French's office as I had called to set up an appointment for Duane and me to meet with Senator French to discuss his concerns. She told me Sen. French did not need to meet with us and he will trust the wisdom of the transportation committee.

The amendment that French's office prepared was to delete lines 6 to 8 on page 4. Duane would that make it inconsistent with federal law?

-m-

Mary Siroky  
Special Assistant to Commissioner  
Department of Transportation and Public Facilities  
907-465-4772

**CS FOR HOUSE BILL NO. 126(JUD)(title am)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Amended: 3/21/07**

**Offered: 3/14/07**

**Sponsor(s): REPRESENTATIVE JOHANSEN**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to access to criminal justice information for certain employees of the**  
2 **Department of Administration; relating to the procedure for changes to certificates,**  
3 **registration, titles, licenses, permits, and other forms relating to driving and motor**  
4 **vehicles; relating to requirements for, cancellations of, renewals of, reinstatements of,**  
5 **expirations of, disqualifications of, withdrawals of, suspensions or revocations of, and**  
6 **exemptions from commercial and other driver's licenses, permits, or privileges to drive;**  
7 **relating to records concerning motor vehicles and their drivers; relating to penalties for**  
8 **violating commercial driver licensing requirements; relating to the driver's license**  
9 **compact; and providing for an effective date."**

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

11 **\* Section 1. AS 28.05 is amended by adding a new section to read:**

12 **Sec. 28.05.065. Access to criminal justice information. (a) For purposes of**

1 carrying out the provisions of AS 28.05, AS 28.15, AS 28.33, and AS 28.35, an  
 2 employee of the department assigned to perform functions under those chapters may  
 3 access criminal justice information about an adult or minor charged with or convicted  
 4 of an offense.

5 (b) For purposes of obtaining access to criminal justice information  
 6 maintained by the Department of Public Safety under AS 12.62, the unit assigned  
 7 motor vehicle functions in the Department of Administration is a criminal justice  
 8 agency conducting a criminal justice activity.

9 (c) In this section,

10 (1) "criminal justice activity" has the meaning given in AS 12.62.900;

11 (2) "criminal justice agency" has the meaning given in AS 12.62.900.

12 \* **Sec. 2.** AS 28.05.071 is amended to read:

13 **Sec. 28.05.071. Change of name or address.** A person who has applied for or  
 14 been issued a certificate, registration, title, license, permit, or other form under this  
 15 title, and who changes the person's name or moves from the address shown on the  
 16 records or forms of the Department of Administration or the Department of Public  
 17 Safety, shall notify the appropriate department [IN WRITING] of the change in name  
 18 or address within 30 days

19 (1) on a form or in a format specified by the appropriate  
 20 department; and

21 (2) in a manner prescribed in regulations adopted by the  
 22 appropriate department.

23 \* **Sec. 3.** AS 28.15.021 is amended to read:

24 **Sec. 28.15.021. Persons exempt from driver licensing.** The following  
 25 persons are exempt from driver licensing under this chapter:

26 (1) an employee of the United States government while operating a  
 27 motor vehicle owned by or leased to the United States government and being operated  
 28 on official business, unless the employee is required by the United States government  
 29 or an agency of that government to have a state driver's license;

30 (2) a nonresident who is at least 16 years of age and who has a valid  
 31 driver's license issued by another jurisdiction; however, an Alaska driver's license

1 must be obtained by the end of a 90-day period after entry into the state;

2 (3) a member of the armed forces of the United States who has a valid  
3 driver's license issued by another jurisdiction when the permanent residence of the  
4 member is maintained in that jurisdiction;

5 (4) a person when driving an implement of husbandry, as defined by  
6 regulation, that is only temporarily driven or moved on a highway;

7 (5) a person when driving or operating an off-highway vehicle,  
8 watercraft, aircraft, or other vehicle not designed for highway use as specified by the  
9 department by regulation;

10 (6) a person who is at least 16 years of age with a valid driver's license  
11 from a jurisdiction other than Alaska while driving a motor-driven cycle; however, an  
12 Alaska driver's license for driving a motor-driven cycle must be obtained by the end of  
13 a 90-day period after entering the state;

14 (7) a person when operating an electric personal motor vehicle;

15 (8) certain drivers in the United States military service who are  
16 operating commercial motor vehicles for military purposes; in this paragraph,  
17 "certain drivers in the United States military service"

18 (A) means

19 (i) a member of the United States active duty  
20 military, including active duty United States Coast Guard;

21 (ii) a member of the United States military reserves;

22 (iii) a member of the Alaska National Guard or the  
23 national guard of another state on active duty in this state,  
24 including a member on part-time Alaska National Guard training;

25 and

26 (iv) an individual who serves as an Alaska National  
27 Guard military technician; in this sub-subparagraph, "Alaska  
28 National Guard military technician" means an individual who is  
29 not a member of the military, but is required to wear a military  
30 uniform;

31 (B) does not include an individual who serves as a United

**States Military Reserve technician;**

**(9) drivers employed by a municipality or established village, as that term is defined in AS 04.21.080, with a population of 3,000 or less operating snow removal equipment in this state within the boundaries of the municipality or established village if**

**(A) the employee who is properly licensed in this state and ordinarily operates the equipment is unavailable; or**

**(B) the municipality or established village determines that an emergency exists that requires additional assistance;**

**(10) a nonresident who holds a valid commercial driver's license issued by another jurisdiction when the permanent residence of the commercial driver is maintained in that jurisdiction.**

\* Sec. 4. AS 28.15.031(b) is amended to read:

(b) The department may not issue an original or duplicate driver's license to, nor renew or reinstate the driver's license of, a person

(1) whose license is suspended, [OR] revoked,  canceled, or withdrawn in this or any other jurisdiction  except as otherwise provided in this chapter;

(2) who fails to appear in court for the adjudication of a certain vehicle, driver, or traffic offense when the person's appearance is required by statute, regulation, or court rule;

(3) who is an habitual user of alcohol or another drug to such a degree that the person is incapable of safely driving a motor vehicle;

(4) when the department, based upon medical evidence, has determined that because of the person's physical or mental disability the person is not able to drive a motor vehicle safely;

(5) who is unable to understand official traffic control devices as displayed in this state or who does not have a fair knowledge of traffic laws and regulations, as demonstrated by an examination;

(6) who has knowingly made a false statement in the person's application for a license or has committed fraud in connection with the person's

1 application for, or in obtaining or attempting to obtain, a license, or who has not  
 2 applied under oath on the form provided for the purpose of obtaining or attempting to  
 3 obtain a license or permit; or

4 (7) who is required under AS 28.20 to furnish proof of financial  
 5 responsibility and who has not done so.

6 \* Sec. 5. AS 28.15.031 is amended by adding new subsections to read:

7 (c) The department may not issue an original or duplicate commercial driver's  
 8 license to, nor renew or reinstate the commercial driver's license of, a person who is  
 9 disqualified from operating commercial motor vehicles in this or any other jurisdiction  
 10 or is not domiciled in this state.

11 (d) In this section, "disqualified" has the meaning given in AS 28.33.190.

12 \* Sec. 6. AS 28.15.046(f) is amended to read:

13 (f) Costs of conducting the background check required under (b)(4) of this  
 14 section shall be paid by the applicant. [A LICENSE ISSUED UNDER THIS  
 15 SECTION EXPIRES ON SEPTEMBER 1 OF THE YEAR FOLLOWING  
 16 ISSUANCE.] Application for renewal may be made by submitting to the department  
 17 the results of a current physical examination and paying the required fee.

18 \* Sec. 7. AS 28.15.051(a) is amended to read:

19 (a) Except as provided in (b) of this section, a person who is at least 14 years  
 20 of age may apply to the department for an instruction permit. The department may,  
 21 after the applicant has successfully passed all parts of the examination under  
 22 AS 28.15.081 other than the driving test, issue to the applicant an instruction permit.  
 23 The permit allows a person, while having the permit in the person's immediate  
 24 possession, to drive a specified type or class of motor vehicle on a highway or  
 25 vehicular way or area for a period not to exceed two years. The permittee shall be  
 26 accompanied by a person at least 21 years of age who has been licensed at least one  
 27 year to drive the type or class of vehicle being used, who is capable of exercising  
 28 control over the vehicle and who occupies a seat beside the driver, or who  
 29 accompanies and immediately supervises the driver when the permittee drives a  
 30 motorcycle. An instruction permit may be renewed one time. Once a license is issued  
 31 to drive a specified type or class of motor vehicle, a driver is not eligible to obtain

1           **an instructional permit for that specified type or class of motor vehicle.**

2           \* **Sec. 8.** AS 28.15.061(b) is amended to read:

3                   (b) An application under (a) of this section must

4                           (1) contain the applicant's full **legal** name, date and place of birth, sex,  
5                           and mailing and residence addresses;

6                           (2) state whether the applicant has been previously licensed **in the past**  
7                           **10 years** as a driver and, if so, when and by what jurisdiction;

8                           (3) state whether any previous driver's license issued to the applicant  
9                           has ever been suspended or revoked or whether an application for a driver's license has  
10                           ever been refused and, if so, the date of and reason for the suspension, revocation, or  
11                           refusal;

12                           (4) contain the applicant's social security number; the requirement of  
13                           this paragraph only applies to an applicant who has been issued a social security  
14                           number; and

15                           (5) contain other information that the department may reasonably  
16                           require to determine the applicant's identity, competency, and eligibility.

17           \* **Sec. 9.** AS 28.15.151(a) is amended to read:

18                   (a) The department **shall** [MAY] maintain a file of

19                           (1) every driver's license application, license or permit, and duplicate  
20                           driver's license issued by it;

21                           (2) every license that has been suspended, revoked, canceled, limited,  
22                           restricted, or denied, and the reasons for those actions; [AND]

23                           (3) all accident reports required to be forwarded to the department  
24                           under this title; **and**

25                           (4) **every disqualification of an individual from operating a**  
26                           **commercial motor vehicle.**

27           \* **Sec. 10.** AS 28.15.151(b) is amended to read:

28                   (b) The department **shall** [MAY] also maintain **and update within 10 days**  
29                   **after receipt by the department,** a file of all accident reports, abstracts of court  
30                   records of convictions of vehicle, driver, and traffic offenses, and other information  
31                   **that** [WHICH] the department considers necessary to carry out the purposes of this

1 chapter.

2 \* Sec. 11. AS 28.15.151(c) is amended to read:

3 (c) The department shall, upon request, subject to the applicable provisions of  
 4 AS 12.62 and (f) of this section and without charging a fee, furnish (1) a municipal,  
 5 state, or federal administrative or judicial agency with a certified abstract of the  
 6 driving record of a driver within 10 days after receipt of the request by the  
 7 department; and (2) a parent, foster parent, or guardian of a driver who is under 18  
 8 years of age and not an emancipated minor an abstract of the driving record of that  
 9 driver; the department may refuse to release the driver's address to the parent, foster  
 10 parent, or guardian if the department determines that the release of the driver's address  
 11 poses a threat to the health or safety of the driver. The abstract must include a listing  
 12 of accidents in which the driver has been determined by the department or a court of  
 13 competent jurisdiction to have been liable, convictions of vehicle, driver, and traffic  
 14 offenses, any actions taken upon the driver's license, and information relating to  
 15 financial responsibility.

16 \* Sec. 12. AS 28.15.171(b) is amended to read:

17 (b) The department shall [MAY], upon receiving the record of a conviction of  
 18 a person licensed in another jurisdiction for a vehicle, driver, or traffic offense in this  
 19 state, or upon suspending or revoking the person's driving privilege, forward a copy of  
 20 the record or suspension or revocation to the motor vehicle administrator for the  
 21 jurisdiction in which the person convicted is licensed.

22 \* Sec. 13. AS 28.15.211(a) is amended to read:

23 (a) Except for a point system suspension or revocation under AS 28.15.221 -  
 24 28.15.241 and unless provided otherwise by law, and unless the suspension or  
 25 revocation was for a cause that has been removed, a person whose driver's license,  
 26 privilege to drive, or privilege to obtain a license has been suspended or revoked may  
 27 not apply for a new license, and the person's driving privilege may not be restored,  
 28 until the expiration of

29 (1) 30 days [ONE MONTH] from the date on which the license,  
 30 privilege to drive, or privilege to obtain a license was suspended or revoked for a first  
 31 conviction of the particular offense from which the suspension or revocation resulted;

1 (2) 90 days [THREE MONTHS] from the date on which the license,  
 2 privilege to drive, or privilege to obtain a license was suspended or revoked for a  
 3 second conviction within 12 consecutive months of the same offense from which the  
 4 suspension or revocation resulted;

5 (3) one year from the date on which the license, privilege to drive, or  
 6 privilege to obtain a license was suspended or revoked for a third or subsequent  
 7 conviction within 12 consecutive months of the same offense from which the  
 8 suspension or revocation resulted.

9 \* Sec. 14. AS 28.15.211(b) is amended to read:

10 (b) A limitation, suspension, or revocation of a driver's license, privilege to  
 11 drive, or privilege to obtain a license or a disqualification imposed by a court or the  
 12 department takes effect on the date of final judgment, except that if another court or  
 13 department limitation, suspension, disqualification, or revocation is in effect on the  
 14 date of final judgment, the effective date of the last imposed limitation, suspension,  
 15 disqualification, or revocation is at the end of the last day of the previous limitation,  
 16 suspension, disqualification, or revocation unless the court or department specifies  
 17 otherwise.

18 \* Sec. 15. AS 28.33.100(a) is amended to read:

19 (a) A person may not drive a commercial motor vehicle until the person  
 20 applies for and is issued a license for that purpose under AS 28.15.041. The  
 21 department may not issue a license to drive a commercial motor vehicle unless the  
 22 applicant

23 (1) is at least 19 years of age, to operate in intrastate commerce, or  
 24 at least 21 years of age, to operate in interstate commerce;

25 (2) has held a valid driver's license at least one year before the date of  
 26 application or meets the experience qualifications established by the department;

27 (3) has successfully completed all required driving tests and written  
 28 and physical examinations;

29 (4) either does not have a driver's license issued by another jurisdiction  
 30 or surrenders all driver's licenses issued by other jurisdictions; and

31 (5) is domiciled in this state.

1 \* Sec. 16. AS 28.33.140(a) is amended to read:

2 (a) In addition to any [THE] court action or administrative action in this or  
 3 any other jurisdiction [PROVIDED IN AS 28.15.181], conviction of a person who  
 4 holds or is required to have a commercial driver's license of any of the following  
 5 offenses is grounds for immediate disqualification from driving a commercial motor  
 6 vehicle for the periods set out in this section:

7 (1) operating a commercial motor vehicle while under the influence of  
 8 an alcoholic beverage, inhalant, or controlled substance in violation of AS 28.33.030;

9 (2) refusal to submit to a chemical test in violation of AS 28.35.032;

10 (3) operating a motor vehicle while under the influence of an alcoholic  
 11 beverage, inhalant, or controlled substance in violation of AS 28.35.030;

12 (4) leaving the scene of an accident in violation of AS 28.35.060, or  
 13 failing to file, or providing false information in, an accident report in violation of  
 14 AS 28.35.110;

15 (5) a felony under state or federal law that was facilitated because the  
 16 person used a [COMMERCIAL] motor vehicle;

17 (6) a serious traffic violation;

18 (7) driving after being placed out of service in violation of regulations  
 19 adopted under AS 19.10.060(c) or AS 28.05.011; [OR]

20 (8) operating a commercial motor vehicle in violation of a federal or  
 21 state statute or regulation, or a local law or ordinance, relating to railroad-highway  
 22 grade crossings;

23 (9) operating a commercial motor vehicle while the driver's  
 24 commercial motor vehicle license is suspended, revoked, or canceled, or the  
 25 driver is disqualified;

26 (10) causing a fatality through the negligent operation, or  
 27 operation in violation of a felony criminal law, of a commercial motor vehicle.

28 \* Sec. 17. AS 28.33.140(c) is amended to read:

29 (c) Upon a conviction by a court of [A COURT CONVICTING] a person of  
 30 an offense described in (a)(6) of this section, the department shall disqualify that  
 31 person from driving a commercial motor vehicle for not less than 60 days if the person

1 has been previously convicted once, and 120 days if the person has been previously  
 2 convicted more than once. The disqualification period under this subsection is in  
 3 addition to any other previously imposed period of disqualification. As used in  
 4 this subsection, "previously convicted" means having been convicted in this or another  
 5 jurisdiction, within three years preceding the date of the present offense, of an offense  
 6 described in (a)(6) of this section, or of another law or ordinance with substantially  
 7 similar elements, arising out of a separate incident.

8 \* Sec. 18. AS 28.33.140(d) is amended to read:

9 (d) Upon conviction by a court of [A COURT CONVICTING] a person of  
 10 an offense described in (a)(1) - (5), (9), or (10) of this section, the department shall  
 11 disqualify that person from driving a commercial motor vehicle for not less than one  
 12 year for a first offense, except that, if the offense was

13 (1) facilitated by a commercial motor vehicle transporting a hazardous  
 14 material [SUBSTANCE] that required that placards be placed on the vehicle under 49  
 15 U.S.C. 5101 - 5127, the period of disqualification is not less than three years;

16 (2) a felony offense that involved the manufacture, distribution, or  
 17 dispensing, or possession with intent to manufacture, distribute, or dispense, a  
 18 controlled substance, the disqualification is for life and the license may not be  
 19 reinstated under (g) of this section.

20 \* Sec. 19. AS 28.33.140(e) is amended to read:

21 (e) Upon conviction by a court of [A COURT CONVICTING] a person of  
 22 an offense described in (a)(1) - (5), (9), or (10) of this section, the department shall  
 23 disqualify that person from driving a commercial motor vehicle for life if the person  
 24 has been previously convicted. As used in this subsection, "previously convicted"  
 25 means having been convicted in this or another jurisdiction of an offense described in  
 26 (a)(1) - (5), (9), or (10) of this section, or of another law or ordinance with  
 27 substantially similar elements.

28 \* Sec. 20. AS 28.33.140(i) is amended to read:

29 (i) In addition to the requirements of AS 28.15.191, a court that disqualifies a  
 30 person from driving a commercial motor vehicle shall require the surrender of the  
 31 license, and shall immediately forward the license to the department with the record of

1 conviction and notification of the effective date of the disqualification. If the  
 2 disqualification occurs by administrative action as described in (a) of this section,  
 3 the person disqualified from driving shall surrender the license to the  
 4 department.

5 \* Sec. 21. AS 28.33.140(j) is amended to read:

6 (j) Upon conviction by a court of [A COURT CONVICTING] a person of an  
 7 offense described in (a)(7) of this section, the department shall disqualify that person  
 8 from driving a commercial motor vehicle for the following periods: (1) if the person  
 9 has not been previously convicted of violating an out-of-service order, not less than  
 10 180 [90] days; (2) if the person has been previously convicted once of violating an  
 11 out-of-service order, not less than two years [ONE YEAR]; (3) if the person has been  
 12 previously convicted more than once of violating an out-of-service order, not less than  
 13 three years; (4) if the person operates a commercial motor vehicle transporting  
 14 hazardous materials or a vehicle designed to transport 16 or more passengers,  
 15 including the driver, in violation of an out-of-service order, not less than 180  
 16 days; (5) if the person has been previously convicted of operating a commercial  
 17 motor vehicle transporting hazardous materials or a vehicle designed to  
 18 transport 16 or more passengers, including the driver, in violation of an out-of-  
 19 service order two or more times in separate incidents within a 10-year period, not  
 20 less than three years. In this subsection, "previously convicted" means having been  
 21 convicted in this or another jurisdiction of an offense described in (a)(7) of this section  
 22 within 10 years preceding the date of the present offense.

23 \* Sec. 22. AS 28.33.140(k) is amended to read:

24 (k) Upon conviction by a court of [A COURT CONVICTING] a person of  
 25 an offense described in (a)(8) of this section, the department shall disqualify that  
 26 person from operating a commercial motor vehicle for the following periods: (1) if the  
 27 person has not been previously convicted of violating a federal or state statute or  
 28 regulation, or a local law or ordinance, relating to railroad-highway grade crossings,  
 29 not less than 60 days; (2) if the person has been previously convicted once of violating  
 30 a federal or state statute or regulation, or a local law or ordinance, relating to railroad-  
 31 highway grade crossings, not less than 120 days; (3) if the person has been previously

1 convicted more than once of a violation of a federal or state statute or regulation, or a  
 2 local law or ordinance, relating to railroad-highway grade crossings, not less than one  
 3 year. In this subsection, "previously convicted" means having been convicted in this or  
 4 another jurisdiction of an offense described in (a)(8) of this section within three years  
 5 proceeding the date of the present offense.

6 \* Sec. 23. AS 28.33.140 is amended by adding new subsections to read:

7 (l) A person who operates a commercial motor vehicle whose driving is  
 8 determined by the United States Department of Transportation to constitute an  
 9 imminent hazard is subject to disqualification as specified by the department in  
 10 regulation. The regulations adopted by the department under this subsection must be  
 11 substantially similar to those set by the federal government.

12 (m) A person who violates the standards for operating a commercial motor  
 13 vehicle set out by the department in regulation is subject to civil penalties established  
 14 by the department in regulation. An employer who knowingly allows an employee to  
 15 drive in violation of an out-of-service order or in violation of a railroad-highway grade  
 16 crossing is subject to civil penalties as described in 49 U.S.C. 521(b) as established by  
 17 the department in regulation. The department may adopt regulations under AS 44.62  
 18 to implement this subsection. The regulations adopted under this subsection must be  
 19 substantially similar to any applicable federal regulations. In this subsection,  
 20 "knowingly," has the meaning given in AS 11.81.900.

21 \* Sec. 24. AS 28.33.150(a) is amended to read:

22 (a) A person is guilty of a class A misdemeanor if the person drives a  
 23 commercial motor vehicle in this state

24 (1) without being licensed or privileged in this state to drive a  
 25 commercial motor vehicle;

26 (2) during a period when that person's driver's license, privilege to  
 27 drive, or privilege to obtain a license has been canceled, suspended, or revoked, or the  
 28 person has been disqualified, in this or another jurisdiction;

29 (3) in violation of a limitation placed upon that person's license or  
 30 privilege to drive in this or another jurisdiction;

31 (4) during a period when that person has been disqualified from

1 driving a commercial motor vehicle by a court or an administrative agency in this or  
2 another jurisdiction; or

3 (5) in violation of an out of service order issued under AS 28.33.130 or  
4 under a law in another jurisdiction having substantially similar requirements.

5 \* Sec. 25. AS 28.33.190(11) is amended to read:

6 (11) "serious traffic violation" means

7 (A) speeding 15 miles per hour or more above the posted limit;

8 (B) reckless or negligent driving, in violation of AS 28.35.400  
9 or 28.35.410 or an ordinance with substantially similar elements;

10 (C) violation of a provision of this title, or a regulation adopted  
11 under this title, relating to improper lane changes or following too closely, or  
12 an ordinance with substantially similar elements; [OR]

13 (D) violation of a law or ordinance relating to traffic control,  
14 which was determined by the court by a preponderance of the evidence to have  
15 been a factor in causing physical injury to a person;

16 (E) driving a commercial motor vehicle without obtaining a  
17 license to drive a commercial motor vehicle;

18 (F) driving a commercial motor vehicle without a license to  
19 drive a commercial motor vehicle in the driver's possession; however, if an  
20 individual provides proof to the department by the date that the  
21 individual was required to appear in court or pay any fine for that  
22 violation that the individual held a valid license to drive a commercial  
23 motor vehicle on the date the citation was issued, the driving may not be  
24 considered as a serious traffic violation under this paragraph; or

25 (G) driving a commercial motor vehicle without the proper  
26 class of license to drive a commercial motor vehicle and any required  
27 endorsements for the specific vehicle group being operated, or for the  
28 passengers or type of cargo being transported.

29 \* Sec. 26. AS 28.33.190 is amended by adding new paragraphs to read:

30 (12) "commerce" means

31 (A) any trade, traffic, or transportation within the jurisdiction

1 of the United States between a place in a state and a place outside of the United  
2 States; and

3 (B) trade, traffic, and transportation in the United States that  
4 affects any trade, traffic, and transportation described in (A) of this paragraph;

5 (13) "commercial driver's license" means a license issued by a state or  
6 other jurisdiction, in accordance with the standards contained in 49 C.F.R. 383, to an  
7 individual authorizing the individual to operate a class of a commercial motor vehicle;

8 (14) "conviction" means an unvacated adjudication or conviction of  
9 guilt, or a determination that a person has violated or failed to comply with the law in  
10 a court of original jurisdiction or by an authorized administrative agency, an unvacated  
11 forfeiture of bail or collateral deposited to secure the person's appearance in court, a  
12 plea of guilty or nolo contendere accepted by the court, the payment of a fine or court  
13 cost, or violation of a condition of release without bail, regardless of whether the  
14 penalty is rebated, suspended, or probated;

15 (15) "domicile" means a state of the United States where a person has  
16 the person's true, fixed, and permanent home and principal residence and to which the  
17 person has the intention of returning whenever the person is absent;

18 (16) "hazardous material" means any material that has been designated  
19 as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of  
20 49 C.F.R. 172 or any quantity of a material listed as a select agent or toxin in 42  
21 C.F.R. 73;

22 (17) "imminent hazard" means the existence of a condition that  
23 presents a substantial likelihood that death, serious illness, severe personal injury, or a  
24 substantial endangerment to health, property, or the environment may occur before the  
25 reasonably foreseeable completion date of a formal proceeding by the United States  
26 Department of Transportation begun to lessen the risk of that death, illness, injury or  
27 endangerment.

28 \* Sec. 27. AS 28.35.032(s) is amended to read:

29 (s) For purposes of this section, the director of the division within the  
30 department responsible for administration of this section or a person designated by the  
31 director may request and receive criminal justice information available under

1 AS 12.62. [IN THIS SUBSECTION, "CRIMINAL JUSTICE INFORMATION" HAS  
2 THE MEANING GIVEN IN AS 12.62.900.]

3 \* Sec. 28. AS 28.35.135(b) is amended to read:

4 (b) A person who has a certification, registration, title, license, or other form  
5 issued under this title, or who has applied for a certification, registration, license, or  
6 other form, and who changes the person's name or moves from the address shown on  
7 the department's records or forms, shall notify the department [IN WRITING] of the  
8 change in name or address within 30 days

9 (1) on a form or in a format specified by the department; and

10 (2) in a manner prescribed in regulations adopted by the  
11 department.

12 \* Sec. 29. AS 28.37.150 is amended to read:

13 **Sec. 28.37.150. Grounds requiring refusal to issue license.** Upon application  
14 for a license to drive, the licensing authority in a party state shall ascertain whether the  
15 applicant has ever held, or is the holder of a license to drive issued by another party  
16 state. The licensing authority in the state where application is made may not issue a  
17 license to drive to the applicant if

18 (1) the applicant has held a license, but the license has been suspended,  
19 revoked, or canceled, or the applicant has been disqualified from operating a  
20 commercial motor vehicle, by reason, in whole or in part, of a violation, and the  
21 suspension period has not terminated;

22 (2) the applicant has held a license, but the license has been revoked by  
23 reason, in whole or in part, of a violation, and the revocation has not terminated;  
24 except that after the expiration of one year from the date the license was revoked, the  
25 person may make application for a new license if permitted by law; the licensing  
26 authority may refuse to issue a license to an applicant if, after investigation, the  
27 licensing authority determines that it will not be safe to grant to the person the  
28 privilege of driving a motor vehicle on the public highways;

29 (3) the applicant is the holder of a license to drive issued by another  
30 party state and currently in force, unless the applicant surrenders the license;

31 (4) the applicant has held a license, but has been disqualified from

1 operating a commercial motor vehicle by reason, in whole or in part, of a  
2 violation, and the disqualification has not terminated; however, a person may  
3 make an application for a noncommercial driver license if permitted by other  
4 law.

5 \* Sec. 30. AS 28.90.990(a) is amended by adding a new paragraph to read:

6 (29) "criminal justice information" has the meaning given in  
7 AS 12.62.900.

8 \* Sec. 31. AS 28.33.140(b) and 28.33.190(8) are repealed.

9 \* Sec. 32. The uncodified law of the State of Alaska is amended by adding a new section to  
10 read:

11 TRANSITION: REGULATIONS. The Department of Administration may proceed to  
12 adopt regulations necessary to implement this Act. The regulations take effect under AS 44.62  
13 (Administrative Procedure Act), but not before the effective date of the statutory changes.

14 \* Sec. 33. Section 32 of this Act takes effect immediately under AS 01.10.070(c).

15 \* Sec. 34. Except as provided in sec. 33 of this Act, this Act takes effect July 1, 2007.

**AMENDMENT**

OFFERED IN THE SENATE

BY SENATOR FRENCH

TO: CSHB 126(JUD)(title am)

1 Page 4, lines 6 - 8:

2 Delete

3 **"(A) the employee who is properly licensed in this state and**  
4 **ordinarily operates the equipment is unavailable; or**

5 **(B)"**

# ALASKA STATE LEGISLATURE

Session:  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3424  
Fax (907) 465-3793

Interim:  
50 Front Street, Suite 203  
Ketchikan, AK 99901  
(907) 247-4672  
Fax (907) 225-8546



Chair  
Transportation

Vice Chair  
Fisheries

Member  
Economic Development,  
Trade and Tourism  
State Affairs

REPRESENTATIVE KYLE JOHANSEN  
DISTRICT ONE  
April 17, 2007

## VIA HAND DELIVERY

Honorable Senator Albert Kookesh  
Chairman, Senate Transportation Committee  
State Capitol, Room 11  
Juneau, Alaska 99801

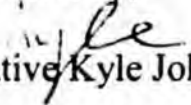
Re: Scheduling HB 126 in Senate  
Transportation

Dear Senator Kookesh:

Please schedule HB 126 for a hearing in your committee. The bill would bring the state back into compliance with federal law. A copy of the notice from federal DOT that Alaska is out of compliance is attached. HB 126 must pass this session or sanctions will be imposed in five months. These sanctions include:

- (1) Loss of approximately \$7 million in highway funds this year and approximately \$14 million a year after that;
- (2) Suspension or loss of federal Motor Carrier Safety Act funds used to help reduce commercial driving accidents in Alaska; and
- (3) Loss of the ability of Alaska's DMV to issue CDL's to Alaska truck drivers that are valid for interstate commerce, i.e., between Alaska and Canada.

Sincerely,

  
Representative Kyle Johansen



U.S. Department  
of Transportation

**Federal Motor Carrier  
Safety Administration**

The Honorable Sarah Palin  
Governor of Alaska  
Juneau, AK 99811

Administrator

400 Seventh St., S.W.  
Washington, D.C. 20590

Refer to: MC-ESL

JAN 31 2007

Dear Governor Palin:

This is a follow-up to the May 17, 2006, letter in which the Federal Motor Carrier Safety Administration (FMCSA) issued a determination of substantial noncompliance to the State of Alaska. That determination was based on the State's failure to adopt the statutory authority needed to enforce all the required Commercial Driver's License provisions of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). In addition, Alaska had not met the projected dates in its Action Plan (submitted in February 2006 to FMCSA) for beginning and passing the Structured Test administered by the American Association of Motor Vehicle Administrators (AAMVA) for transmitting and receiving via the Commercial Driver License Information System the new data elements required by MCSIA.

Since the May 17, 2006 letter, FMCSA has been encouraged that Alaska has established the date of January 29, 2007, to begin structured testing with AAMVA and has drafted legislation that it plans to introduce to the legislature that would bring the State into compliance with the MCSIA provisions for which it lacked statutory authority. Tracy Lewellyn, FMCSA Division Administrator in Alaska, has indicated to us that Kerry Hennings and Shelly Mellott deserve praise for their efforts in resolving compliance issues.

Nonetheless, this letter is a reminder that Alaska is scheduled to lose up to 5 percent of its Federal-aid highway funds on October 1, 2007. The FMCSA will withdraw this determination only when the required legislation is passed and signed by you and when the State successfully completes the structured test of the MCSIA data elements administered by AAMVA.

The FMCSA would like to see Alaska take the necessary steps to avoid sanctions and join other States in creating a system to keep unsafe drivers of commercial motor vehicles off our highways by implementing the provisions of MCSIA.

The FMCSA Division Administrator Tracy Lewellyn and her staff are available to assist you. She may be contacted at (907) 271-4068.

Sincerely yours,

John H. Hill

cc:

Annette Kreitzer, Commissioner, Alaska Department of Administration  
Duane Bannock, Director, Alaska Division of Motor Vehicles  
Leo von Scheben, Commissioner, Alaska Department of Transportation  
Dominick Spataro, Division Chief, FMCSA CDL Division  
Tracy Lewellyn, FMCSA Division Administrator, Alaska  
William R. Paden, FMCSA Field Administrator, Western Service Center  
Kent Fleming, FMCSA Western Service Center  
J. Richard Capka, Administrator, Federal Highway Administration

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 126  
 (H) Publish Date: 2/21/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title "An Act relating to driver's licenses and permits, commercial driver's licenses,..." RDU Division of Motor Vehicles  
 Component Motor Vehicles  
 Sponsor Rep. Johansen  
 Requester (H) STA 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      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Travel                 | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Contractual            | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Supplies               | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 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        |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |     |     |     |     |     |     |
|-----------------------------|-----|-----|-----|-----|-----|-----|
| <b>CAPITAL EXPENDITURES</b> | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-----------------------------|-----|-----|-----|-----|-----|-----|

|                               |     |     |     |     |     |     |
|-------------------------------|-----|-----|-----|-----|-----|-----|
| <b>CHANGE IN REVENUES ( )</b> | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-------------------------------|-----|-----|-----|-----|-----|-----|

**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        |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (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)

This bill will update existing motor vehicle statutes to bring the state into compliance with current and upcoming federal regulations for commercial driver's licenses.

We do not anticipate any change in expenditures or revenue as a result of this bill.

Prepared by: Duane Bannock, director Phone 269-5559  
 Division: Motor Vehicles Date/Time 2/13/07 10:00 AM  
 Approved by: Kevin Brooks, Deputy Commissioner Date 2/13/2007  
 Agency: Department of Administration

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: CSHB 126(JUD)  
 (H) Publish Date: 3/14/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
 Title Commercial Drivers Licenses RDU Planning  
 Component Program Development  
 Sponsor Johansen  
 Requester House STA Component No. 365

**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          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (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)

This bill brings the state into compliance with the Motor Carrier Safety Improvement Act of 1999. Under section 384.401 of the Federal Motor Carrier Safety Regulations (49 CFR 384.401), a state that is not in compliance is subject to the withholding of up to five percent of Federal-aid highway funds that would otherwise be appropriated under 23 U.S.C. section 104(b). This reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$7 million in federal fiscal year (FFY) 2008 (starting October 1, 2007) and \$14 million in FFY 2009 (October 2008). These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP). Additionally failure to come into compliance could result in the loss of the Motor Carrier Safety Assistance Program funding. This would be \$850.0 for FY08 and FY09.

Prepared by: Mary Siroky Phone 465-4772  
 Division: Commissioner's Office Date/Time 3/9/07 12:00 AM  
 Approved by: Nancy Slagle, Director Admin Service Date 3/9/2007  
 Agency: Department of Transportation and Public Facilities

**CS FOR HOUSE BILL NO. 126(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/14/07**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVE JOHANSEN**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to driver's licenses and permits, commercial driver's licenses, and**  
2 **other motor vehicle laws; relating to the driver's license compact; and providing for an**  
3 **effective date."**

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

5 **\* Section 1. AS 28.05 is amended by adding a new section to read:**

6 **Sec. 28.05.065. Access to criminal justice information.** (a) For purposes of  
7 carrying out the provisions of AS 28.05, AS 28.15, AS 28.33, and AS 28.35, an  
8 employee of the department assigned to perform functions under those chapters may  
9 access criminal justice information about an adult or minor charged with or convicted  
10 of an offense.

11 (b) For purposes of obtaining access to criminal justice information  
12 maintained by the Department of Public Safety under AS 12.62, the unit assigned  
13 motor vehicle functions in the Department of Administration is a criminal justice  
14 agency conducting a criminal justice activity.

1 (c) In this section,

2 (1) "criminal justice activity" has the meaning given in AS 12.62.900;

3 (2) "criminal justice agency" has the meaning given in AS 12.62.900.

4 \* Sec. 2. AS 28.05.071 is amended to read:

5 **Sec. 28.05.071. Change of name or address.** A person who has applied for or  
6 been issued a certificate, registration, title, license, permit, or other form under this  
7 title, and who changes the person's name or moves from the address shown on the  
8 records or forms of the Department of Administration or the Department of Public  
9 Safety, shall notify the appropriate department [IN WRITING] of the change in name  
10 or address within 30 days

11 (1) on a form or in a format specified by the appropriate  
12 department; and

13 (2) in a manner prescribed in regulations adopted by the  
14 appropriate department.

15 \* Sec. 3. AS 28.15.021 is amended to read:

16 **Sec. 28.15.021. Persons exempt from driver licensing.** The following  
17 persons are exempt from driver licensing under this chapter:

18 (1) an employee of the United States government while operating a  
19 motor vehicle owned by or leased to the United States government and being operated  
20 on official business, unless the employee is required by the United States government  
21 or an agency of that government to have a state driver's license;

22 (2) a nonresident who is at least 16 years of age and who has a valid  
23 driver's license issued by another jurisdiction; however, an Alaska driver's license  
24 must be obtained by the end of a 90-day period after entry into the state;

25 (3) a member of the armed forces of the United States who has a valid  
26 driver's license issued by another jurisdiction when the permanent residence of the  
27 member is maintained in that jurisdiction;

28 (4) a person when driving an implement of husbandry, as defined by  
29 regulation, that is only temporarily driven or moved on a highway;

30 (5) a person when driving or operating an off-highway vehicle,  
31 watercraft, aircraft, or other vehicle not designed for highway use as specified by the

1 department by regulation;

2 (6) a person who is at least 16 years of age with a valid driver's license  
3 from a jurisdiction other than Alaska while driving a motor-driven cycle; however, an  
4 Alaska driver's license for driving a motor-driven cycle must be obtained by the end of  
5 a 90-day period after entering the state;

6 (7) a person when operating an electric personal motor vehicle;

7 (8) certain drivers in the United States military service who are  
8 operating commercial motor vehicles for military purposes; in this paragraph,  
9 "certain drivers in the United States military service"

10 (A) means

11 (i) a member of the United States active duty  
12 military, including active duty United States Coast Guard;

13 (ii) a member of the United States military reserves;

14 (iii) a member of the Alaska National Guard or the  
15 national guard of another state on active duty in this state,  
16 including a member on part-time Alaska National Guard training;  
17 and

18 (iv) an individual who serves as an Alaska National  
19 Guard military technician; in this sub-subparagraph, "Alaska  
20 National Guard military technician" means an individual who is  
21 not a member of the military, but is required to wear a military  
22 uniform;

23 (B) does not include an individual who serves as a United  
24 States Military Reserve technician;

25 (9) drivers employed by a municipality or established village, as  
26 that term is defined in AS 04.21.080, with a population of 3,000 or less operating  
27 snow removal equipment in this state within the boundaries of the municipality  
28 or established village if

29 (A) the employee who is properly licensed in this state and  
30 ordinarily operates the equipment is unavailable; or

31 (B) the municipality, or established village determines that

1 an emergency exists that requires additional assistance:

2 (10) a nonresident who holds a valid commercial driver's license  
 3 issued by another jurisdiction when the permanent residence of the commercial  
 4 driver is maintained in that jurisdiction.

5 \* Sec. 4. AS 28.15.031(b) is amended to read:

6 (b) The department may not issue an original or duplicate driver's license to,  
 7 nor renew or reinstate the driver's license of, a person

8 (1) whose license is suspended, [OR] revoked, canceled, or  
 9 withdrawn in this or any other jurisdiction except as otherwise provided in this  
 10 chapter;

11 (2) who fails to appear in court for the adjudication of a certain  
 12 vehicle, driver, or traffic offense when the person's appearance is required by statute,  
 13 regulation, or court rule;

14 (3) who is an habitual user of alcohol or another drug to such a degree  
 15 that the person is incapable of safely driving a motor vehicle;

16 (4) when the department, based upon medical evidence, has  
 17 determined that because of the person's physical or mental disability the person is not  
 18 able to drive a motor vehicle safely;

19 (5) who is unable to understand official traffic control devices as  
 20 displayed in this state or who does not have a fair knowledge of traffic laws and  
 21 regulations, as demonstrated by an examination;

22 (6) who has knowingly made a false statement in the person's  
 23 application for a license or has committed fraud in connection with the person's  
 24 application for, or in obtaining or attempting to obtain, a license, or who has not  
 25 applied under oath on the form provided for the purpose of obtaining or attempting to  
 26 obtain a license or permit; or

27 (7) who is required under AS 28.20 to furnish proof of financial  
 28 responsibility and who has not done so.

29 \* Sec. 5. AS 28.15.031 is amended by adding new subsections to read:

30 (c) The department may not issue an original or duplicate commercial driver's  
 31 license to, nor renew or reinstate the commercial driver's license of, a person who is

1 disqualified from operating commercial motor vehicles in this or any other jurisdiction  
2 or is not domiciled in this state.

3 (d) In this section, "disqualified" has the meaning given in AS 28.33.190.

4 \* Sec. 6. AS 28.15.046(f) is amended to read:

5 (f) Costs of conducting the background check required under (b)(4) of this  
6 section shall be paid by the applicant. [A LICENSE ISSUED UNDER THIS  
7 SECTION EXPIRES ON SEPTEMBER 1 OF THE YEAR FOLLOWING  
8 ISSUANCE.] Application for renewal may be made by submitting to the department  
9 the results of a current physical examination and paying the required fee.

10 \* Sec. 7. AS 28.15.051(a) is amended to read:

11 (a) Except as provided in (b) of this section, a person who is at least 14 years  
12 of age may apply to the department for an instruction permit. The department may,  
13 after the applicant has successfully passed all parts of the examination under  
14 AS 28.15.081 other than the driving test, issue to the applicant an instruction permit.  
15 The permit allows a person, while having the permit in the person's immediate  
16 possession, to drive a specified type or class of motor vehicle on a highway or  
17 vehicular way or area for a period not to exceed two years. The permittee shall be  
18 accompanied by a person at least 21 years of age who has been licensed at least one  
19 year to drive the type or class of vehicle being used, who is capable of exercising  
20 control over the vehicle and who occupies a seat beside the driver, or who  
21 accompanies and immediately supervises the driver when the permittee drives a  
22 motorcycle. An instruction permit may be renewed one time. Once a license is issued  
23 to drive a specified type or class of motor vehicle, a driver is not eligible to obtain  
24 an instructional permit for that specified type or class of motor vehicle.

25 \* Sec. 8. AS 28.15.061(b) is amended to read:

26 (b) An application under (a) of this section must

27 (1) contain the applicant's full legal name, date and place of birth, sex,  
28 and mailing and residence addresses;

29 (2) state whether the applicant has been previously licensed in the past  
30 10 year; as a driver and, if so, when and by what jurisdiction;

31 (3) state whether any previous driver's license issued to the applicant

1 has ever been suspended or revoked or whether an application for a driver's license has  
 2 ever been refused and, if so, the date of and reason for the suspension, revocation, or  
 3 refusal;

4 (4) contain the applicant's social security number; the requirement of  
 5 this paragraph only applies to an applicant who has been issued a social security  
 6 number; and

7 (5) contain other information that the department may reasonably  
 8 require to determine the applicant's identity, competency, and eligibility.

9 \* Sec. 9. AS 28.15.151(a) is amended to read:

10 (a) The department shall [MAY] maintain a file of

11 (1) every driver's license application, license or permit, and duplicate  
 12 driver's license issued by it;

13 (2) every license that has been suspended, revoked, canceled, limited,  
 14 restricted, or denied, and the reasons for those actions; [AND]

15 (3) all accident reports required to be forwarded to the department  
 16 under this title; and

17 (4) every disqualification of an individual from operating a  
 18 commercial motor vehicle.

19 \* Sec. 10. AS 28.15.151(b) is amended to read:

20 (b) The department shall [MAY] also maintain and update within 10 days  
 21 after receipt by the department, a file of all accident reports, abstracts of court  
 22 records of convictions of vehicle, driver, and traffic offenses, and other information  
 23 that [WHICH] the department considers necessary to carry out the purposes of this  
 24 chapter.

25 \* Sec. 11. AS 28.15.151(c) is amended to read:

26 (c) The department shall, upon request, subject to the applicable provisions of  
 27 AS 12.62 and (f) of this section and without charging a fee, furnish (1) a municipal,  
 28 state, or federal administrative or judicial agency with a certified abstract of the  
 29 driving record of a driver within 10 days after receipt of the request by the  
 30 department; and (2) a parent, foster parent, or guardian of a driver who is under 18  
 31 years of age and not an emancipated minor an abstract of the driving record of that

1 driver; the department may refuse to release the driver's address to the parent, foster  
 2 parent, or guardian if the department determines that the release of the driver's address  
 3 poses a threat to the health or safety of the driver. The abstract must include a listing  
 4 of accidents in which the driver has been determined by the department or a court of  
 5 competent jurisdiction to have been liable, convictions of vehicle, driver, and traffic  
 6 offenses, any actions taken upon the driver's license, and information relating to  
 7 financial responsibility.

8 \* Sec. 12. AS 28.15.171(b) is amended to read:

9 (b) The department shall [MAY], upon receiving the record of a conviction of  
 10 a person licensed in another jurisdiction for a vehicle, driver, or traffic offense in this  
 11 state, or upon suspending or revoking the person's driving privilege, forward a copy of  
 12 the record or suspension or revocation to the motor vehicle administrator for the  
 13 jurisdiction in which the person convicted is licensed.

14 \* Sec. 13. AS 28.15.211(a) is amended to read:

15 (a) Except for a point system suspension or revocation under AS 28.15.221 -  
 16 28.15.241 and unless provided otherwise by law, and unless the suspension or  
 17 revocation was for a cause that has been removed, a person whose driver's license,  
 18 privilege to drive, or privilege to obtain a license has been suspended or revoked may  
 19 not apply for a new license, and the person's driving privilege may not be restored,  
 20 until the expiration of

21 (1) 30 days [ONE MONTH] from the date on which the license,  
 22 privilege to drive, or privilege to obtain a license was suspended or revoked for a first  
 23 conviction of the particular offense from which the suspension or revocation resulted;

24 (2) 90 days [THREE MONTHS] from the date on which the license,  
 25 privilege to drive, or privilege to obtain a license was suspended or revoked for a  
 26 second conviction within 12 consecutive months of the same offense from which the  
 27 suspension or revocation resulted;

28 (3) one year from the date on which the license, privilege to drive, or  
 29 privilege to obtain a license was suspended or revoked for a third or subsequent  
 30 conviction within 12 consecutive months of the same offense from which the  
 31 suspension or revocation resulted.

1 \* Sec. 14. AS 28.15.211(b) is amended to read:

2 (b) A limitation, suspension, or revocation of a driver's license, privilege to  
3 drive, or privilege to obtain a license or a disqualification imposed by a court or the  
4 department takes effect on the date of final judgment, except that if another court or  
5 department limitation, suspension, disqualification, or revocation is in effect on the  
6 date of final judgment, the effective date of the last imposed limitation, suspension,  
7 disqualification, or revocation is at the end of the last day of the previous limitation,  
8 suspension, disqualification, or revocation unless the court or department specifies  
9 otherwise.

10 \* Sec. 15. AS 28.33.100(a) is amended to read:

11 (a) A person may not drive a commercial motor vehicle until the person  
12 applies for and is issued a license for that purpose under AS 28.15.041. The  
13 department may not issue a license to drive a commercial motor vehicle unless the  
14 applicant

15 (1) is at least 19 years of age, to operate in intrastate commerce, or  
16 at least 21 years of age, to operate in interstate commerce;

17 (2) has held a valid driver's license at least one year before the date of  
18 application or meets the experience qualifications established by the department;

19 (3) has successfully completed all required driving tests and written  
20 and physical examinations;

21 (4) either does not have a driver's license issued by another jurisdiction  
22 or surrenders all driver's licenses issued by other jurisdictions; and

23 (5) is domiciled in this state.

24 \* Sec. 16. AS 28.33.140(a) is amended to read:

25 (a) In addition to any [THE] court action or administrative action in this or  
26 any other jurisdiction [PROVIDED IN AS 28.15.181], conviction of a person who  
27 holds or is required to have a commercial driver's license of any of the following  
28 offenses is grounds for immediate disqualification from driving a commercial motor  
29 vehicle for the periods set out in this section:

30 (1) operating a commercial motor vehicle while under the influence of  
31 an alcoholic beverage, inhalant, or controlled substance in violation of AS 28.33.030;

- 1 (2) refusal to submit to a chemical test in violation of AS 28.35.032;
- 2 (3) operating a motor vehicle while under the influence of an alcoholic  
3 beverage, inhalant, or controlled substance in violation of AS 28.35.030;
- 4 (4) leaving the scene of an accident in violation of AS 28.35.060, or  
5 failing to file, or providing false information in, an accident report in violation of  
6 AS 28.35.110;
- 7 (5) a felony under state or federal law that was facilitated because the  
8 person used a [COMMERCIAL] motor vehicle;
- 9 (6) a serious traffic violation;
- 10 (7) driving after being placed out of service in violation of regulations  
11 adopted under AS 19.10.060(c) or AS 28.05.011; [OR]
- 12 (8) operating a commercial motor vehicle in violation of a federal or  
13 state statute or regulation, or a local law or ordinance, relating to railroad-highway  
14 grade crossings;
- 15 (9) operating a commercial motor vehicle while the driver's  
16 commercial motor vehicle license is suspended, revoked, or canceled, or the  
17 driver is disqualified;
- 18 (10) causing a fatality through the negligent operation, or  
19 operation in violation of a felony criminal law, of a commercial motor vehicle.

20 \* Sec. 17. AS 28.33.140(c) is amended to read:

21 (c) Upon a conviction by a court of [A COURT CONVICTING] a person of  
22 an offense described in (a)(6) of this section, the department shall disqualify that  
23 person from driving a commercial motor vehicle for not less than 60 days if the person  
24 has been previously convicted once, and 120 days if the person has been previously  
25 convicted more than once. The disqualification period under this subsection is in  
26 addition to any other previously imposed period of disqualification. As used in  
27 this subsection, "previously convicted" means having been convicted in this or another  
28 jurisdiction, within three years preceding the date of the present offense, of an offense  
29 described in (a)(6) of this section, or of another law or ordinance with substantially  
30 similar elements, arising out of a separate incident.

31 \* Sec. 18. AS 28.33.140(d) is amended to read:

1 (d) Upon conviction by a court of [A COURT CONVICTING] a person of  
 2 an offense described in (a)(1) - (5), (9), or (10) of this section, the department shall  
 3 disqualify that person from driving a commercial motor vehicle for not less than one  
 4 year for a first offense, except that, if the offense was

5 (1) facilitated by a commercial motor vehicle transporting a hazardous  
 6 material [SUBSTANCE] that required that placards be placed on the vehicle under 49  
 7 U.S.C. 5101 - 5127, the period of disqualification is not less than three years;

8 (2) a felony offense that involved the manufacture, distribution, or  
 9 dispensing, or possession with intent to manufacture, distribute, or dispense, a  
 10 controlled substance, the disqualification is for life and the license may not be  
 11 reinstated under (g) of this section.

12 \* Sec. 19. AS 28.33.140(e) is amended to read:

13 (e) Upon conviction by a court of [A COURT CONVICTING] a person of  
 14 an offense described in (a)(1) - (5), (9), or (10) of this section, the department shall  
 15 disqualify that person from driving a commercial motor vehicle for life if the person  
 16 has been previously convicted. As used in this subsection, "previously convicted"  
 17 means having been convicted in this or another jurisdiction of an offense described in  
 18 (a)(1) - (5), (9), or (10) of this section, or of another law or ordinance with  
 19 substantially similar elements.

20 \* Sec. 20. AS 28.33.140(i) is amended to read:

21 (i) In addition to the requirements of AS 28.15.191, a court that disqualifies a  
 22 person from driving a commercial motor vehicle shall require the surrender of the  
 23 license, and shall immediately forward the license to the department with the record of  
 24 conviction and notification of the effective date of the disqualification. If the  
 25 disqualification occurs by administrative action as described in (a) of this section,  
 26 the person disqualified from driving shall surrender the license to the  
 27 department.

28 \* Sec. 21. AS 28.33.140(j) is amended to read:

29 (j) Upon conviction by a court of [A COURT CONVICTING] a person of an  
 30 offense described in (a)(7) of this section, the department shall disqualify that person  
 31 from driving a commercial motor vehicle for the following periods: (1) if the person

1 has not been previously convicted of violating an out-of-service order, not less than  
 2 180 [90] days; (2) if the person has been previously convicted once of violating an  
 3 out-of-service order, not less than two years [ONE YEAR]; (3) if the person has been  
 4 previously convicted more than once of violating an out-of-service order, not less than  
 5 three years; (4) if the person operates a commercial motor vehicle transporting  
 6 hazardous materials or a vehicle designed to transport 16 or more passengers,  
 7 including the driver, in violation of an out-of-service order, not less than 180  
 8 days; (5) if the person has been previously convicted of operating a commercial  
 9 motor vehicle transporting hazardous materials or a vehicle designed to  
 10 transport 16 or more passengers, including the driver, in violation of an out-of-  
 11 service order two or more times in separate incidents within a 10-year period, not  
 12 less than three years. In this subsection, "previously convicted" means having been  
 13 convicted in this or another jurisdiction of an offense described in (a)(7) of this section  
 14 within 10 years preceding the date of the present offense.

15 \* Sec. 22. AS 28.33.140(k) is amended to read:

16 (k) Upon conviction by a court of [A COURT CONVICTING] a person of  
 17 an offense described in (a)(8) of this section, the department shall disqualify that  
 18 person from operating a commercial motor vehicle for the following periods: (1) if the  
 19 person has not been previously convicted of violating a federal or state statute or  
 20 regulation, or a local law or ordinance, relating to railroad-highway grade crossings,  
 21 not less than 60 days; (2) if the person has been previously convicted once of violating  
 22 a federal or state statute or regulation, or a local law or ordinance, relating to railroad-  
 23 highway grade crossings, not less than 120 days; (3) if the person has been previously  
 24 convicted more than once of a violation of a federal or state statute or regulation, or a  
 25 local law or ordinance, relating to railroad-highway grade crossings, not less than one  
 26 year. In this subsection, "previously convicted" means having been convicted in this or  
 27 another jurisdiction of an offense described in (a)(8) of this section within three years  
 28 preceding the date of the present offense.

29 \* Sec. 23. AS 28.33.140 is amended by adding new subsections to read:

30 (l) A person who operates a commercial motor vehicle whose driving is  
 31 determined by the United States Department of Transportation to constitute an

1 imminent hazard is subject to disqualification as specified by the department in  
 2 regulation. The regulations adopted by the department under this subsection must be  
 3 substantially similar to those set by the federal government.

4 (m) A person who violates the standards for operating a commercial motor  
 5 vehicle set out by the department in regulation is subject to civil penalties established  
 6 by the department in regulation. An employer who knowingly allows an employee to  
 7 drive in violation of an out-of-service order or in violation of a railroad-highway grade  
 8 crossing is subject to civil penalties as described in 49 U.S.C. 521(b) as established by  
 9 the department in regulation. The department may adopt regulations under AS 44.62  
 10 to implement this subsection. The regulations adopted under this subsection must be  
 11 substantially similar to any applicable federal regulations. In this subsection,  
 12 "knowingly," has the meaning given in AS 11.81.900.

13 \* Sec. 24. AS 28.33.150(a) is amended to read:

14 (a) A person is guilty of a class A misdemeanor if the person drives a  
 15 commercial motor vehicle in this state

16 (1) without being licensed or privileged in this state to drive a  
 17 commercial motor vehicle;

18 (2) during a period when that person's driver's license, privilege to  
 19 drive, or privilege to obtain a license has been canceled, suspended, or revoked, or the  
 20 person has been disqualified, in this or another jurisdiction;

21 (3) in violation of a limitation placed upon that person's license or  
 22 privilege to drive in this or another jurisdiction;

23 (4) during a period when that person has been disqualified from  
 24 driving a commercial motor vehicle by a court or an administrative agency in this or  
 25 another jurisdiction; or

26 (5) in violation of an out of service order issued under AS 28.33.130 or  
 27 under a law in another jurisdiction having substantially similar requirements.

28 \* Sec. 25. AS 28.33.190(11) is amended to read:

29 (11) "serious traffic violation" means

30 (A) speeding 15 miles per hour or more above the posted limit;

31 (B) reckless or negligent driving, in violation of AS 28.35.400

1 or 28.35.410 or an ordinance with substantially similar elements;

2 (C) violation of a provision of this title, or a regulation adopted  
3 under this title, relating to improper lane changes or following too closely, or  
4 an ordinance with substantially similar elements; [OR]

5 (D) violation of a law or ordinance relating to traffic control,  
6 which was determined by the court by a preponderance of the evidence to have  
7 been a factor in causing physical injury to a person;

8 **(E) driving a commercial motor vehicle without obtaining a**  
9 **license to drive a commercial motor vehicle;**

10 **(F) driving a commercial motor vehicle without a license to**  
11 **drive a commercial motor vehicle in the driver's possession; however, if an**  
12 **individual provides proof to the department by the date that the**  
13 **individual was required to appear in court or pay any fine for that**  
14 **violation that the individual held a valid license to drive a commercial**  
15 **motor vehicle on the date the citation was issued, the driving may not be**  
16 **considered as a serious traffic violation under this paragraph; or**

17 **(G) driving a commercial motor vehicle without the proper**  
18 **class of license to drive a commercial motor vehicle and any required**  
19 **endorsements for the specific vehicle group being operated, or for the**  
20 **passengers or type of cargo being transported.**

21 \* Sec. 26. AS 28.33.190 is amended by adding new paragraphs to read:

22 (12) "commerce" means

23 (A) any trade, traffic, or transportation within the jurisdiction  
24 of the United States between a place in a state and a place outside of the United  
25 States; and

26 (B) trade, traffic, and transportation in the United States that  
27 affects any trade, traffic, and transportation described in (A) of this paragraph;

28 (13) "commercial driver's license" means a license issued by a state or  
29 other jurisdiction, in accordance with the standards contained in 49 C.F.R. 383, to an  
30 individual authorizing the individual to operate a class of a commercial motor vehicle;

31 (14) "conviction" means an unvacated adjudication or conviction of

1       guilt, or a determination that a person has violated or failed to comply with the law in  
2       a court of original jurisdiction or by an authorized administrative agency, an unvacated  
3       forfeiture of bail or collateral deposited to secure the person's appearance in court, a  
4       plea of guilty or nolo contendere accepted by the court, the payment of a fine or court  
5       cost, or violation of a condition of release without bail, regardless of whether the  
6       penalty is rebated, suspended, or probated;

7               (15) "domicile" means a state of the United States where a person has  
8       the person's true, fixed, and permanent home and principal residence and to which the  
9       person has the intention of returning whenever the person is absent;

10              (16) "hazardous material" means any material that has been designated  
11       as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of  
12       49 C.F.R. 172 or any quantity of a material listed as a select agent or toxin in 42  
13       C.F.R. 73;

14              (17) "imminent hazard" means the existence of a condition that  
15       presents a substantial likelihood that death, serious illness, severe personal injury, or a  
16       substantial endangerment to health, property, or the environment may occur before the  
17       reasonably foreseeable completion date of a formal proceeding by the United States  
18       Department of Transportation begun to lessen the risk of that death, illness, injury or  
19       endangerment.

20       \* Sec. 27. AS 28.35.032(s) is amended to read:

21              (s) For purposes of this section, the director of the division within the  
22       department responsible for administration of this section or a person designated by the  
23       director may request and receive criminal justice information available under  
24       AS 12.62. [IN THIS SUBSECTION, "CRIMINAL JUSTICE INFORMATION" HAS  
25       THE MEANING GIVEN IN AS 12.62.900.]

26       \* Sec. 28. AS 28.35.135(b) is amended to read:

27              (b) A person who has a certification, registration, title, license, or other form  
28       issued under this title, or who has applied for a certification, registration, license, or  
29       other form, and who changes the person's name or moves from the address shown on  
30       the department's records or forms, shall notify the department [IN WRITING] of the  
31       change in name or address within 30 days

- 1                   **(1) on a form or in a format specified by the department; and**  
 2                   **(2) in a manner prescribed in regulations adopted by the**  
 3                   **department.**

4       \* Sec. 29. AS 28.37.150 is amended to read:

5                   **Sec. 28.37.150. Grounds requiring refusal to issue license.** Upon application  
 6                   for a license to drive, the licensing authority in a party state shall ascertain whether the  
 7                   applicant has ever held, or is the holder of a license to drive issued by another party  
 8                   state. The licensing authority in the state where application is made may not issue a  
 9                   license to drive to the applicant if

10                   (1) the applicant has held a license, but the license has been suspended,  
 11                   **revoked, or canceled, or the applicant has been disqualified from operating a**  
 12                   **commercial motor vehicle,** by reason, in whole or in part, of a violation, and the  
 13                   suspension period has not terminated;

14                   (2) the applicant has held a license, but the license has been revoked by  
 15                   reason, in whole or in part, of a violation, and the revocation has not terminated;  
 16                   except that after the expiration of one year from the date the license was revoked, the  
 17                   person may make application for a new license if permitted by law; the licensing  
 18                   authority may refuse to issue a license to an applicant if, after investigation, the  
 19                   licensing authority determines that it will not be safe to grant to the person the  
 20                   privilege of driving a motor vehicle on the public highways;

21                   (3) the applicant is the holder of a license to drive issued by another  
 22                   party state and currently in force, unless the applicant surrenders the license;

23                   **(4) the applicant has held a license, but has been disqualified from**  
 24                   **operating a commercial motor vehicle by reason, in whole or in part, of a**  
 25                   **violation, and the disqualification has not terminated; however, a person may**  
 26                   **make an application for a noncommercial driver license if permitted by other**  
 27                   **law.**

28       \* Sec. 30. AS 28.90.990(a) is amended by adding a new paragraph to read:

29                   (29) "criminal justice information" has the meaning given in  
 30                   AS 12.62.900.

31       \* Sec. 31. AS 28.33.140(b) and 28.33.190(8) are repealed.

1     \* **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3           **TRANSITION: REGULATIONS.** The Department of Administration may proceed to  
4 adopt regulations necessary to implement this Act. The regulations take effect under AS 44.62  
5 (Administrative Procedure Act), but not before the effective date of the statutory changes.

6     \* **Sec. 33.** Section 32 of this Act takes effect immediately under AS 01.10.070(c).

7     \* **Sec. 34.** Except as provided in sec. 33 of this Act, this Act takes effect July 1, 2007.

The 25th Alaska State Legislature, 1st Session

**Sponsor Statement: House Bill 126**

**Forms/Documents/Rights Related To Driving**

**Passed House!**  
Sponsored by Rep. Kyle Johansen

*"An Act relating to access to criminal justice information for certain employees of the Department of Administration; relating to the procedure for changes to certificates, registration, titles, licenses, permits, and other forms relating to driving and motor vehicles; relating to requirements for, cancellations of, renewals of, reinstatements of, expirations of, disqualifications of, withdrawals of, suspensions or revocations of, and exemptions from commercial and other driver's licenses, permits, or privileges to drive; relating to records concerning motor vehicles and their drivers; relating to penalties for violating commercial driver licensing requirements; relating to the driver's license compact; and providing for an effective date."*



Rep. Kyle Johansen  
(R-1)  
Chair, (H) TRA Com.

Posted: March 19, 2007 - v2 - CS HB 126 (JUD)  
Bill Version: CSHB 126(JUD)(TITLE AM)  
Status: (S) TRA : 2007-03-23  
Next Hearing: (S) TRA : 2007-03-29 1:30 pm, Room 205  
Contact: Randy Ruaro, 465-3424, Chief of Staff

The intent of HB 126 is to reduce the number and severity of commercial motor vehicle related fatalities and injuries. To achieve these ends, HB 126 updates existing motor vehicle statutes and adds new motor vehicle statutes to meet current and upcoming federal regulations for commercial driver's licenses. This legislation incorporates into Alaska law key provisions of the federal Motor Carrier Safety Improvement Act aimed at improving the overall effectiveness of the commercial driver's license program.

This bill will bring Alaska into compliance of the regulations set forth by the **Federal Motor Carrier Safety Administration**. Further noncompliance subjects Alaska to the withholding of up to five percent of federal-aid highway funds in the first year and up to ten percent of federal-aid highway funds in the second and subsequent years. The reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$7 million in federal fiscal year (FFY) 2008 and \$14 million in FFY 2009. If similar amounts to FFY 2009 are assumed, a total of \$63 million over a 5 year period would be lost if Alaska remains noncompliant. These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP).

Alaska would also not receive the \$850,000 Motor Carrier Safety Assistance Program (MCSAP) grant in FFY 2008 and 2009 if HB 126 does not become law. The MCSAP is a Federal grant program that provides financial assistance to states to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles (CMV) through consistent, uniform, and effective CMV safety programs.

This bill would exempt from the state's driver's license requirements certain military drivers operating commercial vehicles for military purposes and other drivers in cases of emergencies requiring additional assistance. Also, a nonresident holding a valid CDL, issued by another jurisdiction whose permanent residence is maintained in that jurisdiction will not need to be issued a State of Alaska CDL.

# # #

Speaker Of The House  
Rep. John Harris

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## SENATE COMMITTEE REPORT

DATE RETURNED: 4/16/07

FURTHER:

DATE TURNED  
IN TO OFFICE: 4/27/07

Transportation Committee considered CS FOR HOUSE BILL NO. 126(JUD)(title am)

### HB 126 FORMS/DOCUMENTS/RIGHTS RELATED TO DRIVING

"An Act relating to access to criminal justice information for certain employees of the Department of Administration; relating to the procedure for changes to certificates, registration, titles, licenses, permits, and other forms relating to driving and motor vehicles; relating to requirements for, cancellations of, renewals of, reinstatements of, expirations of, disqualifications of, withdrawals of, suspensions or revocations of, and exemptions from commercial and other driver's licenses, permits, or privileges to drive; relating to records concerning motor vehicles and their drivers; relating to penalties for violating commercial driver licensing requirements; relating to the driver's license compact; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

|                          |                          |
|--------------------------|--------------------------|
| <b>SENATE BILL:</b>      |                          |
| <input type="checkbox"/> | Same Title               |
| <input type="checkbox"/> | New Title                |
| <hr/>                    |                          |
| <b>HOUSE BILL:</b>       |                          |
| <input type="checkbox"/> | Same Title               |
| <input type="checkbox"/> | Technical Title Change   |
| <input type="checkbox"/> | New Title w/ SCR # _____ |

**NEW FISCAL NOTE(S):**

| Department | Date | Fiscal | Indet | Zero | FN# |
|------------|------|--------|-------|------|-----|
|            |      |        |       |      |     |
|            |      |        |       |      |     |
|            |      |        |       |      |     |
|            |      |        |       |      |     |
|            |      |        |       |      |     |

**PREVIOUS FISCAL NOTE(S):**

| Department | Date    | Fiscal | Indet | Zero | FN# |
|------------|---------|--------|-------|------|-----|
| TRA        | 3/9/07  |        |       | ✓    | 3   |
| ADM        | 2/13/07 |        |       | ✓    | 1   |
|            |         |        |       |      |     |
|            |         |        |       |      |     |
|            |         |        |       |      |     |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | PRINTED LAST NAME | Do PASS | Do Not PASS | NO REC | AMEND |
|---------------------------------|-------------------|---------|-------------|--------|-------|
|                                 | Wilken            | X       |             |        |       |
|                                 | COWDERY           | ✓       |             |        |       |
|                                 | Wielechowski      |         |             | ✓      |       |
|                                 |                   |         |             |        |       |
|                                 |                   |         |             |        |       |
| CHAIR:                          | Kosh              | ✓       |             |        |       |

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: CSHB 126(JUD)  
 (H) Publish Date: 3/14/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
 Title Commercial Drivers Licenses RDU Planning  
 Component Program Development  
 Sponsor Johansen  
 Requester House STA Component No. 365

**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          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (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)  
 This bill brings the state into compliance with the Motor Carrier Safety Improvement Act of 1999. Under section 384.401 of the Federal Motor Carrier Safety Regulations (49 CFR 384.401), a state that is not in compliance is subject to the withholding of up to five percent of Federal-aid highway funds that would otherwise be appropriated under 23 U.S.C. section 104(b). This reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$7 million in federal fiscal year (FFY) 2008 (starting October 1, 2007) and \$14 million in FFY 2009 (October 2008). These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP). Additionally failure to come into compliance could result in the loss of the Motor Carrier Safety Assistance Program funding. This would be \$850.0 for FY08 and FY09.

Prepared by: Mary Siroky Phone 465-4772  
 Division: Commissioner's Office Date/Time 3/9/07 12:00 AM  
 Approved by: Nancy Slagle, Director Admin Service Date 3/9/2007  
 Agency: Department of Transportation and Public Facilities

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 126  
 (H) Publish Date: 2/21/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title "An Act relating to driver's licenses and permits, commercial driver's licenses..." RDU Division of Motor Vehicles  
 Component Motor Vehicles  
 Sponsor Rep. Johansen  
 Requester (H) STA 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      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Travel                 | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Contractual            | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Supplies               | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 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        |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |     |     |     |     |     |     |
|-----------------------------|-----|-----|-----|-----|-----|-----|
| <b>CAPITAL EXPENDITURES</b> | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-----------------------------|-----|-----|-----|-----|-----|-----|

|                               |     |     |     |     |     |     |
|-------------------------------|-----|-----|-----|-----|-----|-----|
| <b>CHANGE IN REVENUES ( )</b> | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-------------------------------|-----|-----|-----|-----|-----|-----|

**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        |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (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)

This bill will update existing motor vehicle statutes to bring the state into compliance with current and upcoming federal regulations for commercial driver's licenses.

We do not anticipate any change in expenditures or revenue as a result of this bill.

Prepared by: Duane Bannock, director  
 Division: Motor Vehicles  
 Approved by: Kevin Brooks, Deputy Commissioner  
 Agency: Department of Administration

Phone 269-5559  
 Date/Time 2/13/07 10:00 AM  
 Date 2/13/2007

**SITE: Offnets**

**COMMITTEE: STRA**

**DATE: 3/28/07**

**SUBJECT OF MEETING: Bill**

**BILL: 126**

**UPDATE #: 1**

**PRINT YOUR NAME**

**COMMUNITY**

**REPRESENTING/AFFILIATION**

**DO YOU WANT  
TESTIFY  
Y or N**

| <b>PRINT YOUR NAME</b>   | <b>COMMUNITY</b> | <b>REPRESENTING/AFFILIATION</b> | <b>DO YOU WANT<br/>TESTIFY<br/>Y or N</b> |
|--|------------------|---------------------------------|---|
| <b>Duane Bannock, Kerry<br/>Hennings, Margaret<br/>Paton-Walsh</b> |                  | <b>DMV</b>                      | <b>?’s</b>                                |
|  |                  |                                 |   |
|  |                  |                                 |   |

# ALASKA STATE LEGISLATURE

Session:  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3424  
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Transportation

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Economic Development,  
Trade and Tourism  
State Affairs

REPRESENTATIVE KYLE JOHANSEN  
DISTRICT ONE

Sectional (Revised)

AS 28.05 – Motor Vehicle Administration  
AS 28.15 – Driver's Licenses  
AS 28.33 – Commercial Motor Vehicles  
AS 28.35 – Offenses and Accidents  
AS 28.37 – Driver's License Compact

## SECTION 1

Federal law requires states to look back 10 years at the criminal record of persons applying for licenses. Read together, sections (a) and (b) allow DMV access to the records it needs. The definition of "criminal justice information" is referenced in section 30 as having the meaning given in AS 12.62.900.

## SECTION 2

Federal law requires states to have an accurate database on drivers so the records of bad drivers can be accurately recorded and accessed when they later apply for a new license. This section requires persons to update their records with DMV or DPS when they change their name or address.

## SECTION 3

Federal law requires certain exemptions from a state's CDL licensing program and makes other exemptions discretionary with the state. This section adds 3 new exemptions. The first is for certain drivers in the military and is mandatory. The second is for drivers employed by a small city or village in an emergency situation for snow removal, and is discretionary at the state's election. The final exemption is for nonresidents with valid CDL's from their home state.

#### **SECTION 4**

Federal law contains a list of actions that prohibit the state DMV from issuing or renewing or reinstating a CDL to a person. This change matches up state law with the federal list for persons whose license is "suspended, revoked, cancelled, or withdrawn".

#### **SECTION 5**

Same as above in section 4 except the term "disqualified" from the federal act is incorporated into the state law.

#### **SECTION 6**

Section 6 allows school bus endorsements to expire at staggered times instead of all at once, which resulted in a flood of people trying to renew at the same time at DMV's.

#### **SECTION 7**

Federal law requires states to limit the number of times an instruction permit can be renewed. This is to make sure a person does not keep renewing an instruction permit rather than meeting the requirements for a full CDL.

#### **SECTION 8**

Federal law requires state DMV to look back into a person's driving record for 10 years when they apply for a CDL. The requirement of the applicant to provide their full "legal" name is to assist DMV in finding out whether their CDL is suspended, etc., in another state.

#### **SECTION 9**

Federal law requires state DMV's to maintain files of CDL applicants and holders. The change reflects that this duty is mandatory "shall" and not optional "may".

#### **SECTION 10**

Same as above in section 9, plus federal law requires state DMV to update their data every 10 days after receipt of a record by the DMV.

#### **SECTION 11**

Federal law requires state DMV to provide a certified abstract of a driving record to municipal, state, federal administrative, or a judicial agency within 10 days of a request.

#### **SECTION 12**

Federal law requires state DMV to forward a copy of the record of a conviction for a traffic offense of a person licensed in another jurisdiction to the DMV for that other jurisdiction. The change reflects that this duty is mandatory "shall" as opposed to discretionary or "may".

#### **SECTION 13**

Current law sets the periods for certain suspensions or revocations of a CDL in terms of "months" rather than a set time period of days. This leads to some persons having a CDL suspended or revoked for from 28 to 31 days, depending on the month. The changes set the time periods in numbers of days (30 and 90) to make all terms of suspension or revocation equal.

#### **SECTION 14**

Updates statutes to reflect that the state DMV is an entity that can disqualify a person from holding a CDL.

#### **SECTION 15**

Current state statutes allow a person 19 years of age or older to get a CDL. Federal law imposes a minimum age of 21 years old or older to drive in interstate commerce. Federal law also only allows a state DMV to issue a CDL to a person domiciled in that state.

#### **SECTION 16**

This change reflects that state DMV may be the entity disqualifying a person from holding a CDL and adds two offenses to the existing list that are grounds for immediate disqualification from holding a CDL. (Operating a

commercial motor vehicle while the driver's CDL is suspended and causing a fatality through negligent operation, or in violation of a felony criminal law in a commercial motor vehicle. These two additional offenses are mandated by federal law.

### **SECTION 17**

Federal law requires state DMV to impose minimum suspension periods for a serious traffic violation and those periods must run consecutively, not concurrently. (The term "serious traffic violation" is defined in section 25 of the bill)

### **SECTION 18**

Federal law requires state DMV's to disqualify a person from holding a CDL for minimum time periods for certain offenses. That minimum time period increases if the offense occurred in a commercial motor vehicle transporting hazardous materials. (The term "hazardous materials" is defined in section 26 of the bill)

### **SECTION 19**

Federal law requires state DMV's to disqualify a person from holding a CDL for life for certain offenses and where the person has previous convictions. These changes conform state law to the federal requirements.

### **SECTION 20**

Conforms current law requiring the surrender of a CDL to the court if the person is disqualified to require surrender of a CDL to the department.

### **SECTION 21**

Federal law requires certain minimum suspension periods for violating an "out of service" order, and longer suspension periods when the order involved a commercial motor vehicle transporting hazardous materials or a vehicle designed to transport 16 or more passengers.

## **SECTION 22**

Clarifies that it is the state DMV that imposes a disqualification after a court conviction for certain offenses.

## **SECTION 23**

Federal law allows the United States Department of Transportation to determine that a person's driving of a commercial motor vehicle constitutes an "imminent hazard" and the person is subject to disqualification from holding a CDL by the state DMV as specified in regulation.

Federal law also requires certain civil penalties for violations while operating a commercial motor vehicle.

In addition, federal law imposes certain civil penalties on "employers" who "knowingly" allow an employee to drive in violation of an out of service order or in violation of a railroad-highway grade crossing. The state DMV can adopt regulations to implement this section and those regs must be substantially similar to federal regs. ("Knowingly" is defined in AS 11.81.900)

## **SECTION 24**

This section adds driving a commercial motor vehicle while the person is disqualified from holding a CDL to the list of offenses that will be a class A misdemeanor.

## **SECTION 25**

This section adds several offenses to the current list of "serious traffic violations" that are mandated by federal law to be included.

## **SECTION 26**

This section adds several definitions to AS 28.33.190. The definitions added are for "commerce"; "commercial driver's license"; "conviction"; "domicile"; "hazardous material"; and "imminent hazard".

#### **SECTION 27**

Deletes the reference to "criminal justice information" as being defined in AS 12.62.900.

#### **SECTION 28**

Provides for notice to the state DMV if a person changes their name or address.

#### **SECTION 29**

State DMV's are prohibited from issuing a license to drive to an applicant if the applicant's license "revoked or cancelled" or if the person has been disqualified from driving a motor vehicle.

#### **SECTION 30**

Adds the definition of "criminal justice information" to AS 28.90.990(a).

#### **SECTION 31**

Repeals AS 28.33.140(b) and AS 28.33.190(8).

#### **SECTION 32**

Regulations authority to DMV to implement the Act.

#### **SECTION 33**

Section 32 of the Act takes effect immediately.

#### **SECTION 34**

Effective date for rest of Act is July 1, 2007.