

HB

186

<TARGET><BILL>HB 186</BILL><SUBJECT>HB
186</SUBJECT><COMM>HTRA29</COMM></TARGET>

ALASKA LEGISLATURE

Representative Jonathan Kreiss-Tomkins

Angoon · Coffman Cove · Craig · Edna Bay · Elfin Cove · Game Creek · Hollis · Hoonah · Kake · Kasaan · Klawock · Kupreanof · Naukati · Pelican Petersburg · Point Baker · Port Alexander · Port Protection · Sitka · Tenakee Springs · Thorne Bay · Whale Pass

Sponsor Statement | HB 186 – Off-Highway Driver’s Licenses

House Bill 186 would put eligibility criteria for off-highway Class D (non-commercial) driver’s licenses into statute. Currently, 279 Alaskan communities are already eligible for off-highway restricted licenses, which do not require a photo or a road test, and are exempt from registration and insurance requirements. Off-highway licenses are important to rural residents: they don’t have to travel to communities with DMV offices to be legally licensed to drive.

But current eligibility requirements for off-highway licenses are illogical. The regulation that allows for off-highway licensure (2 AAC 90.220(b)) borrows eligibility criteria from the statutes that establishes vehicle registration exemptions (Sec. 28.10.011). Residents are exempt from vehicle registration if they are unconnected to the highway system, and live in communities with an average daily traffic count of less than 499. That 499 is problematic. Communities are connected to the state highway or they aren’t: their traffic count is irrelevant.

This bill would establish appropriate criteria for off-highway licenses instead of borrowing registration exemption criteria: if communities are off-highway, they qualify for the licenses. This would close the loophole created by the current system, in which communities with no access to DMV offices but traffic counts above 499 cannot qualify for off-highway licenses, despite having the same driving conditions as the other 279 eligible communities. Instead, these residents face prohibitive conditions to receive licenses: they must travel to and stay in communities with DMV office, borrow or rent vehicles, and schedule and take road tests on unfamiliar roads or highways before they can be legally allowed to drive at home.

The bill also adjusts the current insurance and registrations exemptions that go with off-highway licenses to match the new eligibility requirements. Without this corresponding change, drivers newly eligible for off-highway licenses would still be de facto required to obtain an unrestricted driver’s license due to the prohibitive cost of carrying insurance while holding only an off-highway license.

This bill provides rural residence access to legal licensure without prohibitive costs, saving them the time and expense of traveling to DMV offices for services that other Alaskans can get at home.

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Sectional Analysis | HB 186 — Off-Highway Driver's Licenses

Section 1.

Amends AS.28.10.011, the vehicle registration exemption statute. It changes vehicle exemption categories: it no longer defines vehicles exempt from registration as those that are driven on highways, vehicular ways, or parking places unconnected to the to the state highway system or a vehicular way with an average daily traffic count of 499. Instead, it exempts vehicles driven in off-road eligible areas by drivers with valid driver's licenses. Valid driver's licenses in off-road eligible areas include off-road restricted non-commercial driver's licenses.

Section 2.

Adds section 28.15.126, which says the department of administration shall waive the road test and issue an off-road restricted license to driver's who meet the qualifications in off-road eligible areas.

It maintains that someone with an off-road restricted license cannot drive on state highways and connected roadways unless they are accompanied by a fully licensed driver: their off-highway license functions as a provisional license might.

It requires the department to publish a list of off-road areas in which drivers are eligible for off-road licenses.

Section 3.

Amends AS 28.15.201(d) to use the word "area" instead of "community" in the statute that requires drivers to use breathalyzer style devices if their license privileges have been revoked by a court, so that it applies to drivers with off-highway licenses as well as regular licenses.

Section 4.

Amends AS 28.22.011 so that instead of being exempt from registration and insurance on roadways with traffic counts less than 499, drivers with off-highway restricted licenses are exempt when driving in off-highway restricted eligible areas.

Section 5.

Uses the word "areas" instead of "communities" to include off-highway restricted eligible drivers in existing statutes on breathalyzer style devices.

Section 6.

Uses the word "areas" instead of "communities" to include off-highway restricted eligible drivers in existing statutes on breathalyzer style devices.

Section 7.

Defines an "off-road system eligible area" as an area of the state that does not have land-connected road access to a DMV office which offers road tests for regular driver's licenses. These are the place where drivers are eligible for off-highway restricted licenses.

Section 8.

Repeals 28.22.011(b), which required the DMV to publish a list of communities exempt from registration and insurance under the old eligibility guidelines.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: HB 186
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB186-DOA-DMV-3-22-16
Title: RESTRICTED OFF HWY DRIVER'S LICENSE
Sponsor: KREISS-TOMKINS
Requester: (H) Transportation

Department: Department of Administration
Appropriation: Motor Vehicles
Allocation: Motor Vehicles
OMB Component Number: 2348

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Amy Erickson, Director
Division: Motor Vehicles
Approved By: Sheldon Fisher, Commissioner
Agency: Department of Administration

Phone: (907)269-5574
Date: 03/22/2016 04:45 PM
Date: 03/22/16

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB 186

Analysis

HB 186 will amend the criteria in AS 28.10.011 that determines which vehicles are exempted from registration, and add a new section to AS 28.15.126 to provide a description of an off-road restricted driver license, define the area it can be used, and require DMV to publish a list of the areas that qualify as an off-road system area. A new definition of an off-road system eligible area will be added to AS 28.90.990(a). Additionally, the reference to a daily traffic volume of 499 or greater will be removed. This bill will also change the reference for the areas that qualify for a waiver of the ignition interlock device used for limited licenses from AS 28.22.011(b) to AS 28.15.126.

Cost to DMV:

DMV anticipates increased staff time will be needed to process the number of drivers applying for off-highway licenses and for the annual review of the communities list. In addition, staff time will be required for programming the off-road system areas in to our ALVIN program. In the absence of funding for additional staff, DMV will do its best to absorb the increased workload. Therefore, DMV submits a zero fiscal note.



Department of Administration

Division of Motor Vehicles

Guide to Rural Driving Information

Living in a remote community comes with many challenges. One of the challenges facing Alaska's rural youth is finding employment. Many career choices require a driver license as a condition of employment or for entry into an apprenticeship program.

The Alaska Division of Motor Vehicles (DMV) offers additional services for you as a resident of an Alaskan rural community. Many states have rural residents; however, no other state has as many rural communities separated from connecting road systems (off-highway).

This guide and the State of Alaska's Driver Manuals will provide you with information on how to get an off-highway driver license in your home community.

Please note: When you do not have a digital photo taken at a local DMV office, the license photo will be replaced with the phrase Valid Without Photo.

What Kind of Driver License Can I Get?

As an Alaska resident in a communities without a local DMV, you can apply for an Off-Highway licenses through the mail.

An Off-Highway license allows an individual to drive on roads that are not connected to the State highway system and on roads that are not connected to a highway or vehicular way with an average daily traffic volume greater than 499.

In Alaska you can get the following:

- Non-commercial
- Commercial (CDL)

How do I get an off-highway driver's license?

You must complete all licensing requirements except for the skills (road) test. If you are 18 or older and have never had a driver license, you can apply for an Off-Highway Class D license. You are required to:

- Pass the written test (contact a Proctor in your area)
- Pass a vision test
- Pay the fee
- Provide original legal documents verifying date of birth, social security number and identity
- No skills (road) test is required.

After completing the written test, you mail an Application for Remote Area Driver License, Permit or ID Card (Form 480) and your supporting documents to:

Juneau Driver Services
State of Alaska
Division of Motor Vehicles
PO Box 110221
Juneau AK 99811-0221

Please note: Any DMV Office can issue your license, if you are visiting a community with a DMV Office.

Frequently Asked Questions

What do I do, if I am younger than 16?

What do I do, if I am younger than 18?

What do I do, when I turn 18?

How do I Remove the Off-Highway Restriction?

The Off-Highway restriction can be removed at any time following the successful completion of a road test at a DMV office or at a Third Party Testing Provider. Further information about road tests and required equipment can be found in the driver manual.

The restricted license must be surrendered and a duplicate license issued after successfully passing the required road test.

What Is A Valid Without Photo License?

Alaska DMV offers Valid Without Photo Licenses for rural residents living in Alaska that do not have access to a DMV office. These licenses are issued to applicants who are issued a driver's license and have not previously had a digital photo taken at a DMV office. This license may or may not be restricted to only Off-Highway areas depending whether the skill (road) test requirement has been met.

How Do I Apply Replace or Renew My Driver License From Rural Alaska?

Rural residents may apply for or replace a lost license or renew their license through the mail. The driver must submit by mail a completed Application for Remote Area Driver License, Permit or ID Card (Form 480) for a non-commercial driver's license or Form 418 for a commercial driver's license and mail with all requirements to Juneau Driver Services. Applicants must pass a vision test, pay the appropriate licensing fee, and surrender their existing license or submit original identity documentation. Commercial driver applicants will need to submit Form 413 Driver Self Certification Form and may need to submit a DOT medical card along with the other application requirements listed on Form 418.

Juneau Driver Services
State of Alaska
Division of Motor Vehicles
PO Box 110221
Juneau AK 99811-0221

Alaska Driver Manual

Off-Highway (Rural) Driving Resources

- Off-Highway Licenses ▶
 - Remove Off-Highway Restriction ▶
 - Valid Without Photo ▶
 - Replace/Renew a Rural License ▶
 - Remote Alaska Title Procedures ▶
 - Community List ▶
-

Division of Motor Vehicles
(DMV)

Current Communities Exempt from Registration and Insurance, Eligible for Off-Highway Restricted Driver's Licenses

Adak	Cape Lisburne	Elim	Kanatak	Meshik	Pelican	Savoonga	Tyonek
Afognak	Cape Newenham	Ellamar	Kantishna	Metlakatla	Pennock Island	Scammon Bay	Ugashik
Akhiok	Cape Pole	Emmonak	Karluk	Meyers Chuck	Perry Island	Seal Bay	Umiat
Akiachak	Cape Yakataga	English Bay	Kashegelok	Moses Point	Perryville	Selawik	Umnak
Akiak	Chakaktolik	Evansville	Kasigluk	Mountain Village	Pikmiktalik	Shageluk	Unalakleet
Akolmiut	Chalkyitsik	Excursion Inlet	Katalla	Mumtrak	Pile Bay	Shaktoolik	Venetie
Akulurak	Chandalar	Falls Bay	Kiana	Nanwalek	Pilot Point	Sheldon Point	Wainwright
Akutan	Chaniliut	False Pass	King Cove	Napaimiut	Pilot Station	Shemya	Wales
Alakanuk	Chase	Fire Cove	King Island	Napakiak	Pitka's Point	Shishmaref	White Mountain
Alatna	Chatham	Flat	Kipnuk	Napamute	Platinum	Shungnak	Wiseman
Allakaket	Cheforak	Fort Yukon	Kivalina	Napaskiak	Point Baker	Skwentna	Woody Island
Amakdedori	Chenega	Fortuna Ledge	Kiwalik	Nashagak	Point Chatham	Sleetmute	Yes Bay
Ambler	Chenega Bay	Galena	Kobuk	Naukati Bay	Point Hope	Snettisham	
Amchitka	Chenik	Gambell	Kokhanok	Nelson Lagoon	Point Lay	South Naknek	
Amook	Chernofski	Golovin	Kokrines	New Stuyahok	Point Nowell	Squaw Harbor	
Anaktuvuk Pass	Chevak	Goodnews Bay	Koliganek	Newhalen	Poorman	St. George Island	
Andreafski	Chichagof Island	Grayling	Kongiganak	Newtok	Port Alexander	St. Lawrence Island	
Aniak	Chignik	Gustavus	Kotlik	Nightmute	Port Alsworth	St. Mary's	
Annette Island	Chignik Lagoon	Hawk Inlet	Koyuk	Nikolai	Port Ashton	St. Michael	
Anvik	Chignik Lake	Hawkins Island	Koyukuk	Nikolski	Port Bailey	St. Paul Island	
Arctic Village	Chisana	Haycock	Kvichak	Noatak	Port Clarence	Stebbins	
Atka	Christian	Hinchinbrook Island	Kwethluk	Nolan	Port Graham	Stevens Village	
Atmautluak	Chuathbaluk	Hobart Bay	Kwigillingok	Nondalton	Port Heiden	Stony River	
Atkasuk	Clark's Point	Hogatza	Kwiguk	Noorvik	Port Lions	Takotna	
Attu	Cold Bay	Holy Cross	Kwinhagak	Nuiqsut	Port Moller	Taku Harbor	
Baranof	Crevice Creek	Hooper Bay	Lake Minchumina	Nulato	Port Oceanic	Tanana	
Bartlett Cove	Crooked Creek	Hughes	Larsen Bay	Nunachuak	Port San Juan	Tanunak	
Beaver	Cube Cove	Huslia	Latouche	Nunam Iqua	Port Wakefield	Tatitlek	
Belkofski	Deering	Iditarod	Levelock	Nunapitchuk	Port Walter	Tatlina	
Bell Island	Diomedede	Igiugig	Lime Village	Nushagak	Port Williams	Tenakee Springs	
Belmezek	Dolomi	Igushik	Little Diomedede	Nyac	Portlock	Tetlin	
Bettles	Dora Bay	Iliamna	Long	Old Harbor	Pribilof Islands	Tin City	
Bettles Field	Edna Bay	Inalik	Loring	Olga Bay	Quinhagak	Todd	
Biorca	Eek	Ivanof Bay	Lower Kalskag	Ophir	Railroad City	Togiak	
Birch Creek	Egavik	Ivanoff Bay	Manokotak	Orca	Rampart	Tokeen	
Border	Egegik	Kachemak	Marshall	Oscarville	Red Devil	Toksook Bay	
Brevig Mission	Ekuk	Kaguyak	Mary's Igloo	Ouzinkie	Ruby	Tuluksak	
Buckland	Ekwok	Kakhonak	McGrath	Pauloff Harbor	Russian Mission	Tuntutuliak	
Candle	Elfin Cove	Kaktovik	Medfra	Pavlof Harbor	Sanak	Tununak	
Canyon		Kalskag	Mekoryuk	Peak Island	Sand Point	Twin Hills	
		Kaltag	Mentasta Lake	Pedro Bay			

Source: <http://doa.alaska.gov/dmv/reg/exempt.htm>

Spreadsheet compiled by Berett Wilber, staff to Rep. JKT

2.2.2016



LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
Division of Legal and Research Services
State Capitol, Juneau, AK 99801

(907) 465-3991 phone
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Research Brief

TO: Representative Jonathan Kreiss-Tomkins
FROM: Chuck Burnham, Legislative Analyst
DATE: February 1, 2016
RE: Communities that would be Newly Exempt from Vehicle Registration under Prospective Amendments to AS § 28.10.011(10)
LRS Report 16.147

You asked which communities would become exempt from motor vehicle registration requirements if AS § 28.10.011(10) is amended so the Alaska Marine Highway System is not considered a connection to the state's highway system and the law's traffic volume provision is eliminated.¹

As you know, AS § 28.10.011(10) exempts motor vehicle owners in certain communities from vehicle registration requirements.² Specifically, there are currently roughly 250 places in Alaska in which vehicles are not required to be registered with the Alaska Division of Motor Vehicles (DMV) because they meet the following requirements:³

Every vehicle driven, moved, or parked upon a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to (A) the land-connected state highway system; or (B) a highway or vehicular way with an average daily traffic volume [ADTV] greater than 499.⁴

For the purposes the above statute section, the Alaska Marine Highway System is currently considered to be connected to the state highway system. As a result, communities with ferry service and/or ADTV over the threshold are not typically exempt from registration requirements.

We identified nine communities that would be newly exempt from vehicle registration requirements if amendments to AS § 28.10.011(10) resulted in the ferry system no longer being considered connected to the state highway system and elimination of the ADTV provision.⁵ Four of the communities that would become exempt are served by the ferry system, while the remainder cannot be accessed by road and have no ferry service. The communities that would be newly exempt under the scenario you describe are listed in Table 1.

It is important to note that we did not include communities in Table 1 that strictly meet the exemption provisions you contemplate but that have a local office of the Alaska Division of Motor Vehicles. These include, for example, Craig, Cordova, Juneau, Ketchikan, Kodiak, Kotzebue, King Salmon, Petersburg, Sitka, Wrangell, and Yakutat. We also exclude communities connected by road to a neighboring community with a DMV office, even if that road is not connected by land to the state highway system. Such places include Chiniak, Coffman Cove, Eagle, Hollis, Hydaburg, Kasaan, Klawock, Saxman, Slana, and Thorne Bay.

We hope this is helpful. If you have questions or need additional information, please let us know.

¹ This memorandum corrects an earlier report that misidentified certain communities. Please note the LRS Report number when reviewing reports on this topic with the understanding that higher numbers indicate more recently completed work.

² The term "community" is assigned specific legal meaning under certain circumstances. In this report we use that term to be interchangeable with city, town, village, and any other organized or unorganized named place where groups of Alaskans live.

³ The list of currently exempted communities is available online at <http://doa.alaska.gov/dmv/reg/exempt.htm>. An exemption from mandatory liability insurance is also provided by AS § 28.22.011(a)(1) to vehicle owners in these communities through provisions identical to those exempting owners from registration requirements in AS § 28.10.011(10).

⁴ The Alaska Department of Transportation and Public Facilities (DOT&PF) compiles and publishes traffic counts across the state. More information on that program is available at <http://www.dot.alaska.gov/stwdp/ing/transdata/traffic.shtml>.

⁵ We gleaned which communities would become exempt in collaboration with your staff, information provided by the DMV, and from "Alaska Functional Classification Update Final Report," prepared by HDR Alaska, Inc. for the DOT&PF, June 2010, Appendix F, http://www.crweng.com/assets/images/uploads/projectsites/Functional_Class_Update_Final_Report_with_appendices.pdf.

Table 1: Communities that would be Newly Exempt from Vehicle Registration under AS 28.10.011(10) if Ferries are Excluded from the Definition of the State Highway System and Traffic Volume Thresholds are Eliminated

Communities Currently Served by Ferries - 4				
Angoon	Hoonah	Kake	Seldovia	
Communities with no current Road Access or Ferry Service - 5				
Healy Lake	Hyder	Portage Creek	Upper Kalskag	Williamsport
<p>Notes and Sources: The communities listed are those that would be added to the nearly 250 places in Alaska where motor vehicle owners are exempt from vehicle registration requirements under AS 28.10.011(10) if amendments you are considering are implemented. Those amendments would remove the Alaska Marine Highway System from being considered to connect a community to the "land-connected state highway system" for the purposes of that specific statute. The amendment would further remove the statute's average daily traffic volume provision. Currently exempt communities under AS 28.10.011(10) are listed at http://doa.alaska.gov/dmv/reg/exempt.htm. We did not include communities in this list that strictly meet the exemption provisions you contemplate but have a local office of the Alaska Division of Motor Vehicles (DMV). These include, for example, Craig, Cordova, Juneau, Ketchikan, Kodiak, Kotzebue, King Salmon, Petersburg, Sitka, Wrangell, and Yakutat. We also exclude communities connected by road to communities with a DMV office, including Aleknagik, Chiniak, Coffman Cove, Eagle, Hollis, Hydaburg, Kasaan, Klawock, Naknek, Saxman, Slana, and Thorne Bay. Technically, Hyder is connected to the nearest DMV office by road in Skagway; however, it appears reasonable to deem the roughly 700 mile drive through Canada impractical for the purposes of registering a motor vehicle. It is important to note that the DMV may not agree with this assessment. We determined which additional communities would be exempted in collaboration with your staff, information your office received from the DMV, and the "Alaska Functional Classification Update Final Report," prepared by HDR Alaska, Inc. for the Alaska Department of Transportation and Public Facilities (DOT&PF), June 2010, Appendix F, http://www.crweng.com/assets/images/uploads/projectsites/Functional_Class_Update_Final_Report_with_appendices.pdf. The table comprising Appendix F indicates the methods of access available to the communities listed (off-road, ferry access, or road access). While we believe our research to be thorough there may be additional communities that would be newly exempted by the amendments you outlined that we failed to recognize. In particular, unorganized communities and those classified as Census Designated Places may be excluded from the DOT&PF report.</p>				

**HB 186 – Email exchange with Amy Erickson, Alaska DMV Director
August 2015
Summary of current statutory regulations, using examples.**

On Mon, Aug 4, 2014 at 4:40 PM,
Jonathan Kreiss-Tomkins
<jonath...@gmail.com> wrote:

Hi Amy --

Let's talk Class D licenses. A community like Hoonah or Angoon is not connected to the land-connected state highway system. However, from the Division's perspective, folks in Hoonah and Angoon *do* have access to a division office -- in Juneau. Is this an accurate statement? If so, who in the Division makes the interpretation that ferry service constitutes "access" to Juneau?

Yes. That is an accurate statement. Alaska Regulation 2 AAC 90.220(b) allows DMV to waive the road test and issue an off highway class D restricted license if the applicant operates a motor vehicle in an area of the state not connected to the land-connected state highway system and with no access to a division office offering road testing. Because of the "and" conjunction they need to meet both not connected and with no DMV access. Angoon has access to the Alaska State Ferry System, which then provides them access, albeit inconvenient, with the Juneau and Haines DMVs. DMV's interpretation of the Alaska Marine Highway being the same as a traditional highway is defined in AS 28.90.990 (13): "'highway' means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas."

I wonder if that interpretation could be revisited? From my time in these communities, there's a lot of expense (a couple of nights in a hotel) and time dedicated to going to Juneau just for a DMV test.

From the Divison's perspective, what communities, *do* meet the criteria for a Class D license? (Is there a comprehensive list somewhere?) I think this might help contextualize my understanding of Class D licenses.

Here is a list of the communities that are not required to road test. To clarify, residents of these communities would receive a Class D license with an off-highway restriction, which means they are only able to drive in off-highway communities. They would not be able to drive in Juneau, for example, without taking a road test <http://doa.alaska.gov/dmv/reg/exempt.htm>. These communities are also exempt from registration.

From: Erickson, Amy J (DOA) [mailto:amy.er...@alaska.gov]
Sent: Friday, April 18, 2014 4:00 PM
To: Rep. Jonathan Kreiss-Tomkins
Subject: RE: Angoon/Doris Williams

Good afternoon, Representative Kreiss-Tomkins:

After some internal debate, we have determined Angoon does not meet the regulatory parameters for issuing an off-highway restricted license. Please allow me to explain.

Alaska Regulation 2 AAC 90.220(b) allows DMV to waive the road test and issue an off highway class D restricted license if the applicant operates a motor vehicle in an area of the state not connected to the land-connected state highway system and with no access to a division office offering road testing. Because of the "and" conjunction they need to meet both not connected and with no DMV access. Angoon has access to the Alaska State Ferry System, which then provides them access, albeit inconvenient, with the Juneau and Haines DMVs. Because of this access, Angoon does not meet the requirements for DMV to offer an off-highway restricted license.

In thinking about how to reconcile this issue, DMV discussed changing its regulations to mirror those for commercial driver licenses, which requires that the community not be connected to the land-connected state highway and has an average daily traffic count of less than 500. Even by applying these other parameters to the community of Angoon, it still would not meet the threshold to issue an off-highway restricted license. Surprisingly, Angoon's average daily traffic count is 1,500.

Regarding sending a DMV staff member to Angoon to conduct road tests. It my understanding, and correct me if I'm wrong, that Angoon lacks the necessary requirements for conducting road exams such as traffic control devices, opportunities for lane changes, etc. I would gladly consider sending a staff member to Angoon if there is indeed infrastructure to conduct the tests, and if there are enough residents in need of a road test to justify the trip.

Please let me know if you have any other questions.

Sincerely,
Amy

Letter of Support from Angie Larsen, Hoonah

From: angie Larsen <angie_larsen2001@yahoo.com>
Sent: Wednesday, November 11, 2015 3:06 PM
To: Berett Wilber
Subject: Re: New messages from Anjeanette Larsen Voeller

The off system license is much needed for communities as Hoonah..
Some have anxiety attacks driving in cities etc
Such as myself, I cannot drive over 30 :(I have tried..
When going over 30 my heart pounds, clench wheel etc..
But my need for the off system is great, with that I can sustain a early morning or late night job.
And to be able to be self sufficient I need to work..
My two jobs in the past either started at 4am or ended at 11pm, and with either walking during
bear season wasn't a option. Cabs 5\$ a trip adds up also..
Plus some need it for transportation, meaning that I at the moment have my grand daughter and
need to get her to and from school.she is in kindergarten . Sometimes transportation is just more
convenient for that especially if running late.. Also loosing my dad in January I now need to be able
to help my mom go to store etc, as my dad was the driver for them..
There is also gathering of food, having off system would allow myself and my family go out berry
picking, hunting etc..
I would love to have the option to work late nights again, as two jobs would help me so financially..
And as a licensed driver, my stickers, license, insurance was always kept up.
Another thing is that in order to even get license, we have to travel out of town, possibly take own
vehicle or find one, as I have heard that you cannot use a rental, but in any case it would cost a few
hundred, travel, hotel vehicle etc and some just cannot afford that.. Being seasonal, or one income
household, such as myself..

Thank you so much for your time
Anjeanette larsen

CITY OF ANGOON

PO BOX 189 • ANGOON, ALASKA 99820 • (907) 788-3653 • FAX (907) 788-3821

City of Angoon
Albert Kookesh III
700 Aan Deina At St.
Angoon, AK. 99820
January 26, 2015

Representative Kreiss-Tomkins
Alaska State Legislature
State Capitol Room 426
Juneau AK, 99801

Dear Representative Kreiss-Tomkins:

I am writing on behalf of the City of Angoon in support of HB-62 Off-Highway Driver's Licenses. The City of Angoon, which is located on Admiralty Island, has a population of 459 residents with less than 10 miles of road all together.

The City of Angoon greatly supports HB-62 because we have no DMV office in town and the only way to get to a DMV is to travel to either Juneau or Sitka, which adds a financial strain on many residents. The cost of traveling to Juneau or Sitka is quite expensive and even then, Sitka is only accessible during the summer ferry schedule. We agree with HB-62 Sponsor Statement:

"Instead, these residents face prohibitive conditions to receive licenses: they must travel to and stay in communities with DMV offices; borrow or rent vehicles; and schedule and take road tests on unfamiliar roads or highways before they can be legally allowed to drive at home."

We at the City of Angoon Support HB-62 and feel that its residents should be legally allowed to drive in the City they have grown up in with only an off-highway license. We understand that this license would only pertain to Angoon and we accept that in order to drive outside of Angoon we would need a Class-D License.

Sincerely,



City of Angoon
Albert Kookesh III
[Title]



City of Hoonah

P.O. Box 360 Hoonah, AK 99829 (907) 945-3663 Fax (907) 945-3445

January 26, 2015

Honorable Members of
The State of Alaska Legislature.

Dear Alaska State Legislators:

In regards to House Bill number 62, *Off-Highway Driver's Licenses*, establishing eligibility criteria for off-highway (non-commercial driver's licenses).

We feel that this bill should be passed. As a rural community it is difficult for our residents to access a DMV office to complete the requirements established to obtain a Driver's License. To do so is sometimes cost-prohibitive to the families involved; due to travel costs and a stay in a city that does have a DMV office. At this time the criteria that allows eligibility is set for communities with a populations less than 499. Our population is at approximately 850. To further extend the eligibility to communities that do not have access by road to the State's DMV offices is a favorable change for our community and it's residents.

It is our feeling that the action that should be taken on House Bill number 62 is a Do-Pass.

Thank you.

Respectfully,

Kenneth Skaflestad
Mayor
City of Hoonah



City of Kake

"HOME OF THE WORLD'S LARGEST TOTEM POLE"

P.O. BOX 500
KAKE, AK 99830
PHONE: (907) 785-3804
FAX: (907) 785-4815

January 26, 2015

To Whom It May Concern:

This letter is to express support of HB 62. Under HB 62, the State would allow residents in rural communities, such as Kake, who have no road access to DMV offices, to qualify for off-highway licenses, saving them the time and expense of traveling to DMV offices for services other Alaskans can get at home.

Respectfully,

Handwritten signature of William Bean Jr.

William Bean Jr.
City Administrator



January 26, 2015

Representative Jonathan Kreiss-Tomkins
State Capitol, Room 426
Juneau, AK 99801

RE: Support for HB 62 – Off-Highway Drivers' Licenses

Dear Representative Kreiss-Tomkins;

Southeast Conference supports HB62 – Off Highway Drivers' Licenses. This bill would clarify eligibility requirements for off-highway driver's licenses, making them available to people in towns like Kake and Hoonah and Angoon. This means that folks in rural areas wouldn't have to travel to larger cities with DMV offices to get driver's licenses on unfamiliar roads.

Southeast Conference is a regional, membership based nonprofit corporation that advances the collective interest of the people, communities and businesses in Southeast Alaska. Members include municipalities, native corporations and village councils, regional and local businesses, civic organizations and individuals throughout the region. Our goal is to support policies that promote strong economies, healthy communities, and a quality environment for Southeast Alaska. We are the State-designated Alaska Regional Development Organization (ARDOR) and the federally-designated Economic Development District (EDD) for Southeast Alaska. Each of these designations requires Southeast Conference to take an active role in regional resource management and economic development planning.

With this legislation our members would have better access to a legal driver's license. On behalf of our Board of Directors, I encourage support for this legislation.

Sincerely,

Shelly Wright
Executive Director



29-LS0725\E
Martin
3/24/16

CS FOR HOUSE BILL NO. 186()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KREISS-TOMKINS, Nageak, Ortiz, Stutes

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to vehicle registration; relating to off-road system restricted**
2 **noncommercial drivers' licenses; relating to off-highway commercial drivers' licenses;**
3 **relating to off-road system eligible areas; and relating to motor vehicle liability**
4 **insurance."**

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

6 *** Section 1.** AS 28.10.011 is amended to read:

7 **Sec. 28.10.011. Vehicles subject to registration.** Every vehicle driven,
8 moved, or parked on [UPON] a highway or other public parking place in the state
9 shall be registered under this chapter except when the vehicle is

10 (1) driven or moved on a highway only for the purpose of crossing the
11 highway from one private property to another, including an implement of husbandry
12 as defined by regulation;

13 (2) driven or moved on a highway under a dealer's plate or temporary
14 permit as provided for in AS 28.10.031 and 28.10.181(j);

- 1 (3) special mobile equipment as defined by regulation;
- 2 (4) owned by the United States;
- 3 (5) moved by human or animal power;
- 4 (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil
- 5 Relief Act);
- 6 (7) driven or parked only on private property;
- 7 (8) the vehicle of a nonresident as provided under AS 28.10.121;
- 8 (9) transported under a special permit under AS 28.10.151;
- 9 (10) [BEING] driven or moved **by an operator with an off-highway**
- 10 **commercial driver's license** on a highway, vehicular way, or a public parking place
- 11 in the state that is not connected by a land highway or vehicular way to
- 12 (A) the land-connected state highway system; or
- 13 (B) a highway or vehicular way with an average daily traffic
- 14 volume greater than 499;
- 15 **(11) driven or moved in an off-road system eligible area by an**
- 16 **operator with a noncommercial driver's license, including an off-road system**
- 17 **restricted noncommercial driver's license issued under AS 28.15.126;**
- 18 **(12)** [(11)] an implement of husbandry operated in accordance with the
- 19 provisions of AS 19.10.065;
- 20 **(13)** [(12)] an electric personal motor vehicle.

21 * **Sec. 2.** AS 28.15 is amended by adding a new section to read:

22 **Sec. 28.15.126. Off-road system restricted noncommercial driver's license.**

23 (a) The department shall waive the road test and issue an off-road system restricted

24 noncommercial driver's license to an applicant who resides and operates a motor

25 vehicle in an off-road system eligible area of the state. A driver issued an off-road

26 system restricted noncommercial driver's license may operate a motor vehicle in an

27 off-road system eligible area of the state. A driver issued an off-road system restricted

28 noncommercial driver's license may not operate a motor vehicle

29 (1) outside the off-road system eligible area of the state on a highway,

30 vehicular way, or a public parking place in the state unless the person has or is

31 accompanied by a person with a driver's license that is not restricted under this

1 section; or

2 (2) outside the state.

3 (b) The department shall annually publish a list of off-road system eligible
4 areas. The department shall make the list available at each office of the department
5 and on the department's Internet website.

6 * **Sec. 3.** AS 28.15.201(d) is amended to read:

7 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
8 a license under AS 28.15.181(c), or the department when revoking a driver's license,
9 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
10 limited license privileges if

11 (1) the revocation was for a misdemeanor conviction under
12 AS 28.35.030 or a similar municipal ordinance and not for a violation of
13 AS 28.35.032;

14 (2) the person

15 (A) has not been previously convicted and the limited license is
16 not granted during the first 30 days of the period of revocation; or

17 (B) has been previously convicted and the limited license is not
18 granted during the first 90 days of the period of revocation;

19 (3) the court or department requires the person to use an ignition
20 interlock device during the period of the limited license whenever the person operates
21 a motor vehicle in an area [A COMMUNITY] not included in the list published by
22 the department under AS 28.15.126 [AS 28.22.011(b)] and, when applicable,

23 (A) the person provides proof of installation of the ignition
24 interlock device on every vehicle the person operates;

25 (B) the person signs an affidavit acknowledging that

26 (i) operation by the person of a vehicle that is not
27 equipped with an ignition interlock device is subject to penalties for
28 driving with a revoked license;

29 (ii) circumventing or tampering with the ignition
30 interlock device is a class A misdemeanor; and

31 (iii) the person is required to maintain the ignition

1 interlock device throughout the period of the limited license, to keep
 2 up-to-date records in each vehicle showing that any required service
 3 and calibration is current, and to produce those records immediately on
 4 request;

5 (4) the person is enrolled in and is in compliance with or has
 6 successfully completed the alcoholism screening, evaluation, referral, and program
 7 requirements of the Department of Health and Social Services under AS 28.35.030(h);

8 (5) the person provides proof of insurance as required by AS 28.20.230
 9 and 28.20.240; and

10 (6) the person has not previously been convicted of violating the
 11 limitations of an ignition interlock limited license or been convicted of violating the
 12 provisions of AS 28.35.030 or 28.35.032 while on probation for a violation of those
 13 sections.

14 * **Sec. 4.** AS 28.22.011(a) is amended to read:

15 (a) The operator or owner of a motor vehicle subject to registration under
 16 AS 28.10.011 when driven on a highway, vehicular way or area, or on other public
 17 property in the state, shall be insured under a motor vehicle liability policy that
 18 complies with this chapter or a certificate of self-insurance that complies with
 19 AS 28.20.400 unless **the operator has not been cited within the preceding five**
 20 **years for a traffic law violation with a demerit point value of six or more on the**
 21 **point schedule determined under regulations adopted by the department under**
 22 **AS 28.15.221 and**

23 (1) the motor vehicle is being driven or moved **by an operator with**
 24 **an off-highway commercial driver's license** on a highway, vehicular way, or a
 25 public parking place in the state that is not connected by a land highway or vehicular
 26 way to

27 (A) the land-connected state highway system; [,] or

28 (B) a highway or vehicular way with an average daily traffic
 29 volume greater than 499; **or** [AND]

30 (2) the operator has **a noncommercial driver's license, including an**
 31 **off-road system restricted noncommercial driver's license issued under**

1 **AS 28.15.126 and is operating the motor vehicle in an off-road system eligible**
2 **area of the state** [NOT BEEN CITED WITHIN THE PRECEDING FIVE YEARS
3 FOR A TRAFFIC LAW VIOLATION WITH A DEMERIT POINT VALUE OF SIX
4 OR MORE ON THE POINT SCHEDULE DETERMINED UNDER REGULATIONS
5 ADOPTED BY THE DEPARTMENT UNDER AS 28.15.221].

6 * **Sec. 5.** AS 28.35.030(t) is amended to read:

7 (t) Notwithstanding (b) or (n) of this section, the court shall waive the
8 requirement of the use of an ignition interlock device when a person operates a motor
9 vehicle in **an area** [A COMMUNITY] included on the list published by the
10 department under **AS 28.15.126** [AS 28.22.011(b)].

11 * **Sec. 6.** AS 28.35.032(t) is amended to read:

12 (t) Notwithstanding (g) or (p) of this section, the court shall waive the
13 requirement of the use of an ignition interlock device when a person operates a motor
14 vehicle in **an area** [A COMMUNITY] included on the list published by the
15 department under **AS 28.15.126** [AS 28.22.011(b)].

16 * **Sec. 7.** AS 28.90.990(a) is amended by adding a new paragraph to read:

17 (32) "off-road system eligible area" means an area of the state, as
18 determined by the department, that does not have land-connected road access to an
19 office that offers road testing at least once every three months and offers a sufficient
20 number of road tests to meet public demand.

21 * **Sec. 8.** AS 28.22.011(b) is repealed.

ALASKA LEGISLATURE

Representative Jonathan Kreiss-Tomkins

Angoon · Coffman Cove · Craig · Edna Bay · Elfin Cove · Game Creek · Hollis · Hoonah · Kake · Kasaan · Klawock · Kupreanof · Naukati · Pelican Petersburg · Point Baker · Port Alexander · Port Protection · Sitka · Tenakee Springs · Thorne Bay · Whale Pass

Sectional Analysis | HB 186 — Off-Highway Driver's Licenses

Section 1.

Amends AS.28.10.011, the vehicle registration exemption statute. It exempts vehicles driven in off-road eligible areas by drivers with valid driver's licenses, including off-road system restricted noncommercial driver's license. The requirements for off-highway commercial driver's licenses remain unchanged to comply with federal law.

Section 2.

Adds section 28.15.126, which says the department of administration shall waive the road test and issue an off-road restricted license to driver's who meet the qualifications in off-road eligible areas.

It maintains that someone with an off-road system restricted noncommercial license cannot drive on state highways and connected roadways unless they are accompanied by a fully licensed driver: their off-highway license functions as a provisional license might.

It requires the department to publish a list of off-road areas in which drivers are eligible for off-road licenses.

Section 3.

Amends AS 28.15.201(d) to use the word "area" instead of "community" in the statute that requires drivers to use in-vehicle breathalyzer devices to more correctly reference off-road system eligible areas.

Section 4.

Amends AS 28.22.011 separates the insurance exemptions for commercial and noncommercial off-road system driver's licenses. Commercial off-road system licenses are unchanged. Noncommercial off-road system licenses, currently exempt from insurance, continue to be exempt under their new establishment criteria.

Section 5.

Uses the word "areas" instead of "communities" to include off-road system eligible areas in existing statutes on breathalyzer style devices.

Section 6.

Uses the word "areas" instead of "communities" to include off-highway restricted eligible drivers in existing statutes on breathalyzer style devices.

Section 7.

Defines an "off-road system eligible area" as an area of the state that does not have land-connected road access to a DMV office which offers road testing at least once every three months. These are the areas where drivers are eligible for off-road system restricted licenses.

Section 8.

Repeals 28.22.011(b), which required the DMV to annually publish a list of communities exempt from registration and insurance under the old eligibility guidelines.