

HB

82

<TARGET><BILL>HB 82</BILL><SUBJECT>HB
82</SUBJECT><COMM>HSTA30</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 82 — Off Highway Driver's Licenses

HB 82 would change the eligibility requirements for off-highway restricted driver's licenses, on which many rural Alaskans depend to drive legally at home.

Off-highway restricted licenses, which do not require a road test, are currently available to residents in 279 of Alaska's off-road system communities. Community eligibility is based on criteria borrowed from statutes that establish vehicle registration exemptions. Residents are exempt from vehicle registration, and qualify for off-highway licenses, if their communities are unconnected to the state highway system and if no road in their town has an average daily traffic count greater than 499.

HB 82 closes a loophole created by the current criteria, in which residents with no access to DMV offices or state highways don't qualify for off-highway restricted licenses if their communities have traffic accounts above 499. 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. Too often, this means that many never get licensed at all.

This bill streamlines eligibility requirements: instead of making it contingent on traffic counts, it would simply allow residents of communities off the road system with no access to a DMV office to qualify for off-highway licenses.

The bill also changes criteria for auto insurance exemptions to match the criteria for off-highway license eligibility. Without this corresponding change, drivers newly eligible for off-highway licenses under the bill 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.

HB 82 creates more logical criteria to determine eligibility for off-highway licenses and allows residents of off-highway communities to become legally licensed to drive without the time and expense of traveling to DMV offices for services other Alaskans can get at home.

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

February 2, 2017

Stephanie Gilardi,
House State Affairs
Committee Aide

Dear Miss Gilardi:

We would like to cordially request a hearing for HB 82, the Off-Highway Driver's License Bill, in the House State Affairs committee.

Attached is the bill, the sponsor statement, the sectional analysis, and supporting documents, including letters of support and a report from legislative research.

The staffer assigned to the bill is Berett Wilber, and she can be reached at either 465-5446 or berett.wilber@akleg.gov.

Best,



Representative Jonathan Kreiss-Tomkins

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

Off-Highway Driver's Licenses FAQs

What are off-highway driver's licenses?

Currently, 295 Alaskan communities off the road system qualify for off-highway driver's licenses. They're great — they allow rural residents to get driver's licenses through the mail (they don't require a photo or road test), instead of having to fly to Anchorage or Juneau to go to the DMV.

How does this bill change them?

This amendment tweaks the eligibility criteria for communities who qualify for these licenses. We think there should be two requirements: you live in an off-highway community, and your community doesn't have a DMV.

Unfortunately, right now there's two additional qualifications: your town can't have ferry service (since it technically counts as the state highway, even though it requires time and money to "drive" on a ferry to a DMV) and your community can't have a traffic count of less than 499. We want to axe those two criteria.

What's a traffic count and why does it matter?

Traffic counts are the average times a road is driven over during a day. The counts are an arbitrary criteria that do little to illustrate the reality of driving in rural places: even small towns (population 200 or 300) can have traffic counts over 500 because they have so few roads.

The counts are also selectively performed and enforced. DOT hasn't done traffic counts in most of the places that qualify for off-highway licenses: there's little reason to do counts in rural communities because they don't qualify for highway funding. If traffic counts were performed in many of the rural communities that currently qualify, they likely would have counts large enough to get kicked off the list.

What changes in real life by the changing the eligibility criteria?

This amendment means that Seldovia, Angoon, Hoonah, and Kake would now qualify for off-highway licenses, because they have no road access and no DMV. This amendment also safeguards all off-highway communities from getting disqualified if a traffic count is done in their town.

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 82 — 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 communities 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 on drivers required to use in-vehicle ignition interlock devices, to explicitly include off-road system eligible areas.

Section 4.

Amends AS 28.22.011 to separate 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 the new eligibility criteria.

Section 5.

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

Section 6.

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

Section 7.

Defines an “off-road system eligible area” as an area of the state which 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.



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,


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





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 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:

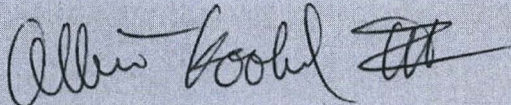
I am writing on behalf of the City of Angoon in support of HB-62 Off-Highway Driver's Licenses. The City of Angoon, which is located on Admiralty Island, has a population of 459 residents with less than 10 miles of road all together.

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]

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

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: HB 82
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB082-DOA-DMV-01-28-17
Title: RESTRICTED OFF HWY DRIVER'S LICENSE
Sponsor: KREISS-TOMKINS
Requester: (H) STA

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)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates				
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Personal Services	66.2		66.2	66.2	66.2	66.2	66.2
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	66.2	0.0	66.2	66.2	66.2	66.2	66.2

Fund Source (Operating Only)

1005 GF/Prgm (DGF)	66.2		66.2	66.2	66.2	66.2	66.2
Total	66.2	0.0	66.2	66.2	66.2	66.2	66.2

Positions

Full-time	1.0		1.0	1.0	1.0	1.0	1.0
Part-time							
Temporary							

Change in Revenues

None	***		***	***	***	***	***
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

Estimated CAPITAL (FY2018) 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? yes
If yes, by what date are the regulations to be adopted, amended or repealed? 01/01/20

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: <u>Marla Thompson, Director</u>	Phone: <u>(907)269-5574</u>
Division: <u>Motor Vehicles</u>	Date: <u>01/27/2017 04:00 PM</u>
Approved By: <u>Sheldon Fisher, Commissioner</u>	Date: <u>01/28/17</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. HB 82

Analysis

HB 82 amends the criteria in AS 28.10.011 that determines which vehicles are exempted from registration, adds a new section to AS 28.15.126 to provide a description of an off-road restricted driver license, defines the area it can be used, and requires DMV to publish a list of the areas that qualify as an off-road system area. CDL drivers that are off-highway exempted will also be exempt from vehicle registration in communities that are not connected to the road system and have a daily traffic volume of less than 500.

A new definition of an "off-road system eligible area" will be added to AS 28.90.990(a). 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.

DMV's regulations must be repealed since the bill creates a new statute that supersedes DMV's regulation that allows for a special off-highway noncommercial license.

Loss of Revenue:

During the 2015-2016 legislative session, HB 186 identified nine communities that would qualify for this exemption: Angoon, Hoonah, Kake, Seldovia, Healy Lake, Hyder, Portage Creek, Upper Kalskag, and Williamsport. There will be a loss of revenue related to driver license issuance fees; however, that amount has not been determined yet.

Cost to DMV:

DMV anticipates increased staff time to process the number of drivers applying for off-highway licenses, perform research and send letters to customers who won't qualify due to traffic law violations, and for the creation and annual review and update of the community lists. A full time position will be required to perform the increased workload.

Motor Vehicle Customer Service Rep I
Range 10, Step C

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE KREISS-TOMKINS

TO: HB 82

1 Page 4, following line 13:

2 Insert a new bill section to read:

3 **** Sec. 4.** AS 28.15.201(g) is amended to read:

4 (g) Notwithstanding (d) of this section, a court revoking a driver's license,
5 privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the
6 department when revoking a driver's license, privilege to drive, or privilege to obtain a
7 license under AS 28.15.165(c), may grant limited license privileges if

8 (1) the revocation was for a felony conviction under AS 28.35.030;

9 (2) the person is participating in and has successfully participated for
10 at least six months in, or has successfully completed, a court-ordered treatment
11 program under AS 28.35.028, and submits verification acceptable to the department;

12 (3) the person provides proof of insurance as required by AS 28.20.230
13 and 28.20.240;

14 (4) the person is required to use an ignition interlock device during the
15 period of the limited license whenever the person operates a motor vehicle in **an area**
16 [A COMMUNITY] not included in the list published by the department under
17 **AS 28.15.126** [AS 28.22.011(b)] and, when applicable,

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

20 (B) the person signs an affidavit acknowledging that

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

1
2
3
4
5
6
7
8
9
10
11

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

(iii) the person is required to maintain the ignition interlock device throughout the period of the limited license, to keep up-to-date records in each vehicle showing that any required service and calibration is current, and to produce those records immediately on request;

(5) the person has not previously been granted a limited license under this section and had the license revoked under (j) of this section."

Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 82(), Draft Version "D"

1 Page 2, lines 21 - 22:

2 Delete "to the land-connected state highway system and do not have land-connected
3 road access"

4

5 Page 2, line 23:

6 Delete "fiscal year"

7 Insert "12 months"

8

9 Page 4, line 8, following "the":

10 Insert "**noncommercial**"

30-LS0367\D
Martin
2/27/17

CS FOR HOUSE BILL NO. 82()
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to vehicle registration; relating to off-highway restricted areas; and**
2 **relating to motor vehicle liability insurance."**

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

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

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

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

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

13 (3) special mobile equipment as defined by regulation;

14 (4) owned by the United States;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

- (5) moved by human or animal power;
- (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil Relief Act);
- (7) driven or parked only on private property;
- (8) the vehicle of a nonresident as provided under AS 28.10.121;
- (9) transported under a special permit under AS 28.10.151;
- (10) a noncommercial motor vehicle and is [BEING] driven or moved in an area included on the list published by the department under (b) of this section [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 GREATER THAN 499];
- (11) an implement of husbandry operated in accordance with the provisions of AS 19.10.065;
- (12) an electric personal motor vehicle.

* Sec. 2. AS 28.10.011 is amended by adding a new subsection to read:

(b) The department shall annually publish a list of areas of the state that do not have land-connected road access to the land-connected state highway system and do not have land-connected road access to a location where the driver skills test is conducted at least once every fiscal year. The department shall make the list available at each office of the department and on the department's Internet website.

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

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

- (1) the revocation was for a misdemeanor conviction under AS 28.35.030 or a similar municipal ordinance and not for a violation of

1 AS 28.35.032;

2 (2) the person

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

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

7 (3) the court or department requires the person to use an ignition
8 interlock device during the period of the limited license whenever the person operates
9 a motor vehicle in an area [A COMMUNITY] not included in the list published by
10 the department under AS 28.10.011(b) [AS 28.22.011(b)] and, when applicable,

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

13 (B) the person signs an affidavit acknowledging that

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

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

19 (iii) the person is required to maintain the ignition
20 interlock device throughout the period of the limited license, to keep
21 up-to-date records in each vehicle showing that any required service
22 and calibration is current, and to produce those records immediately on
23 request;

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

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

29 (6) the person has not previously been convicted of violating the
30 limitations of an ignition interlock limited license or been convicted of violating the
31 provisions of AS 28.35.030 or 28.35.032 while on probation for a violation of those

1 sections.

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

3 (a) The operator or owner of a motor vehicle subject to registration under
4 AS 28.10.011 when driven on a highway, vehicular way or area, or on other public
5 property in the state, shall be insured under a motor vehicle liability policy that
6 complies with this chapter or a certificate of self-insurance that complies with
7 AS 28.20.400 unless

8 (1) the motor vehicle is being driven or moved **in an area included on**
9 **the list published by the department under AS 28.10.011(b)** [ON A HIGHWAY,
10 VEHICULAR WAY, OR A PUBLIC PARKING PLACE IN THE STATE THAT IS
11 NOT CONNECTED BY A LAND HIGHWAY OR VEHICULAR WAY TO

12 (A) THE LAND-CONNECTED STATE HIGHWAY
13 SYSTEM, OR

14 (B) A HIGHWAY OR VEHICULAR WAY WITH AN
15 AVERAGE DAILY TRAFFIC VOLUME GREATER THAN 499]; and

16 (2) the operator has not been cited within the preceding five years for a
17 traffic law violation with a demerit point value of six or more on the point schedule
18 determined under regulations adopted by the department under AS 28.15.221.

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

20 (t) Notwithstanding (b) or (n) of this section, the court shall waive the
21 requirement of the use of an ignition interlock device when a person operates a motor
22 vehicle in **an area** [A COMMUNITY] included on the list published by the
23 department under **AS 28.10.011(b)** [AS 28.22.011(b)].

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

25 (t) Notwithstanding (g) or (p) of this section, the court shall waive the
26 requirement of the use of an ignition interlock device when a person operates a motor
27 vehicle in **an area** [A COMMUNITY] included on the list published by the
28 department under **AS 28.10.011(b)** [AS 28.22.011(b)].

29 * **Sec. 7.** 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

Summary of Changes | HB 82 — Off-Highway Driver's Licenses (OHDLs)

Section 1.

CS clarifies that all non-commercial vehicles driven in off-highway restricted areas are exempt from registration, regardless of the type of license held by the operator.

Removes reference to commercial vehicles, which under federal law are subject to registration no matter where they are driven.

Section 2.

CS establishes that “off-highway restricted” areas are those in which residents do not have access to the land-connected state highway, or DMV driver’s testing more than once every fiscal year. Asks DMV to make that list available to the public.

Section 3.

Updates the statutory citation of the published list of communities.

Section 4.

CS clarifies that all non-commercial vehicles driven in off-highway restricted areas are exempt from insurance, regardless of the type of license held by the operator.

Removes reference to commercial vehicles, which under federal law are subject to insurance no matter where they are driven.

Section 5.

Updates the statutory citation of the published list of communities.

Section 6.

Updates the statutory citation of the published list of communities.

Section 7.

Deletes old definition off-road system area which is now unnecessary because it is included in Section 2.

HB 82: Off-Highway Driver's Licenses

Senate Transportation | Rep. Kreiss-Tomkins

Prepared by Berett Wilber

What is an OHDL?

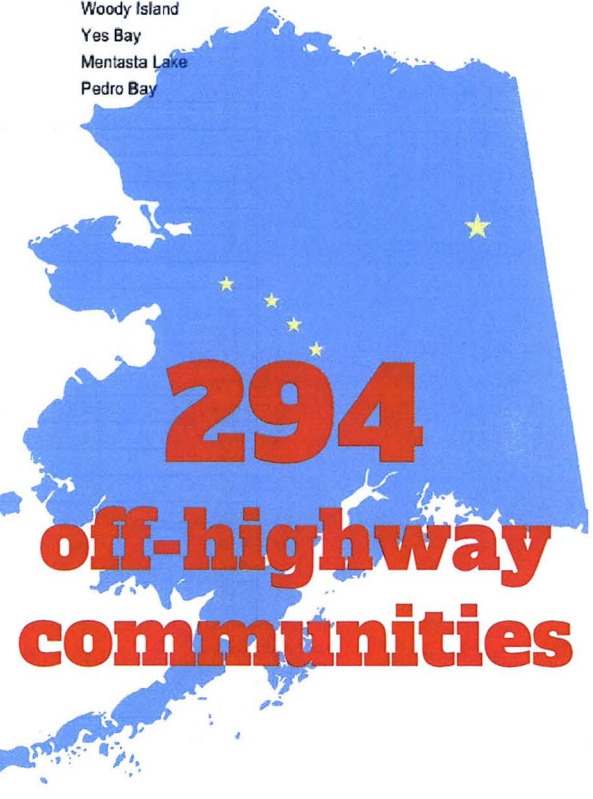
- Off-highway driver's licenses were designed for off road-system communities without DMVs to be able to get driver's licenses through the mail.
- Since before 1984, operating in 294 off-highway communities.
- No road test — just written test — required.
- Only valid in off-highway communities.
- Exempt from registration and insurance.

**1120
OHDLs
currently
in AK**

Map of OHDL Eligible Communities in AK



Adak	Cape Lisburne	Elim	Kanatak	Meshik	Pelican	Savoonga	Tycnek
Afognak	Cape Newenham	Ellamar	Kantishna	Mellakatta	Pennock Island	Scammon Bay	Ugashik
Akhiok	Cape Pole	Emmonak	Karluk	Meyers Chuck	Perry Island	Seal Bay	Umiat
Akiachak	Cape Yakataga	English Bay	Kashegeglok	Moses Point	Perryville	Selawik	Umnak
Akiak	Chakaktolik	Evansville	Kasigluk	Mountain Village	Pikmiktalik	Shageluk	Unalakleet
Akolmiut	Chalkyitsik	Excursion Inlet	Katalla	Mumtrak	Pile Bay	Shaktoclik	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	Fiat	Kipnuk	Napamute	Platinum	Shungnak	Wiseman
Allakaket	Cheformak	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	Naukai Bay	Point Hope	Snetlisham	Mentasta Lake
Amchitka	Chenik	Gambell	Kokhanck	Nelson Lagoon	Point Lay	South Naknek	Pedro Bay
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	Newlok	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	Tattilek	
Belkofski	Deering	Iditarod	Levelock	Nunapitchuk	Port Walter	Tatlina	
Bell Island	Diomede	Igiugig	Lime Village	Nushagak	Port Williams	Tenakee Springs	
Belmezok	Dolomi	Igushik	Little Diomede	Nyac	Portlock	Tetlin	
Bettles	Dora Bay	Iliamna	Long	Old Harbor	Pribilof Islands	Tin City	
Bettles Field	Edna Bay	Inalik	Loring	Olga Bay	Quinhagak	Todd	
Biorka	Eek	Ivanof Bay	Lower Kalskag	Ophir	Railroad City	Togiak	
Birch Creek	Egavik	Ivanoff Bay	Manokotak	Orca	Rampart	Tokéen	
Bordar	Egegik	Kachemak	Marshall	Oscarville	Red Devil	Toksook Bay	
Brevig Mission	Ekuuk	Kaguyak	Mary's Igloo	Ouzinkie	Ruby	Tuluksak	
Buckland	Ekwok	Kakhonak	McGrath	Pauloff Harbor	Russian Mission	Tuntutullak	
Candle	Elfin Cove	Kaktovik	Medfra	Pavlov Harbor	Sanak	Tununak	
Canyon	Kaltag	Kalskag	Mekoryuk	Peak Island	Sand Point	Twin Hills	



Why do we care?

In 2012, our constituents from Angoon got in touch.

People from Angoon, Kake, and Hoonah were recently denied eligibility for off-highway licenses after decades of enjoying eligibility.

This prompted us to learn more.

They were confused and frustrated.

Regarding off-highway licenses: I applied for one when I was visiting my daughter in Wrangell last year, and they would not issue one because they said we are no longer off-road.

- Georgina Davis-Gastelum, Angoon

I have had my off system license for years, then they took it away. I am needing my off system license for getting to and from work. I "DO NOT" drive in any cities. Getting off system back in places like Hoonah would be beneficial to people like me who only drives in own community.

Or if we are city status as they claim, then spend thousands bringing DMV office and employees to Hoonah. Off system is a better option though.

Especially for us that chose not to drive in cities and very much need it for work. As with my job, getting up at 4 am and walking to work during spring/summer is not an option with bears. And other job I held I worked till 11pm and walking home at night once again is not an option.

A cab would be only other option. I can't afford \$5 a night. Be looking at a few hundred a month for cabs — when I already have a truck paid off and insured, that I can no longer drive.

- Anjeanette Larsen, Hoonah

The DMV will not give "off system" licenses anymore and says that Kake drivers need at least a class D license. Which is fine, but if they are going to do that to people here then they should find a way to offer a road test in Kake so they don't have to travel to do it or at least do extra road tests at the dmV in Juneau that accommodate people who have to come in from out of town.

Many people cannot afford to travel to Juneau (\$340 by plane or \$132 + meals and longer time off by ferry), pay for a hotel (\$\$\$), pay for meals, pay for their dmV fees, & take work off (because they don't offer road tests on the weekends), just for a license to drive in a town that has a speed limit of 30 mph at the highest. Please help!

-Rissa Jackson, Kake

You have to take the Driver's Test (in Juneau). For the kids outside of Juneau to practice driving in Juneau to take test, it's pretty hard. Than you take the test, hope you pass or wait a year for a new permit...

The ferries really don't work well for going over and taking a test and then coming back the same day. The dmV will tell you yes you can use a rental, or no you can't use a rental. All depending on who you talk to (I don't think they even know)...coming from Hoonah, getting in a car you're not familiar with -- than take a test in Juneau.

It's crazy stupid! It just puts the kids in the village a step behind the rest... Go through all that just to drive in Hoonah.

-Michelle Anderson, Hoonah

Regulatory History!

1984-2006: From 1984 until 2006, there were no explicit provisions in the Administrative Code providing for off-highway driver's licenses. The old regulations relating to classes of licenses (13 AAC 08.150) were replaced and moved to Title 2 in 2006. As best we can tell, DMV used common sense to deem eligibility for off-highway driver's licenses.

2006-2011: After two decades of informally administering OHDLs, DMV drafted regulations, as part of a Palin-era push to formalize regulations of all kinds. The new OHDL eligibility regs listed two criteria communities needed to qualify for OHDLs: (1) not connected to the road system, and (2) without access to a DMV office offering road testing (2 AAC 90.220(b)).

2011-2014: The regulatory language changes again! The new regs restrict OHDL eligibility only to communities not connected to the "land-connected state highway system" and with no access to a DMV office offering road testing. The DMV interpreted a ferry as counting as "access."

Considering that a trip to Juneau from Angoon typically involves an overnight stay, Rep. Kreiss-Tomkins questioned the liberal interpretation of "access" and engaged DMV on the interpretation.

So then....

JKT office gets in touch with the DMV.

The former DMV director notes that because Angoon and Hoonah people can hop on a ferry (even if the ferry takes 12 hours) to Juneau, Angoon and Hoonah residents do have "access" to a DMV office.

Rep. JKT points out that these regulations are being applied inconsistently. Many communities on the AMHS system are still eligible for OHDLs (Old Harbor, Cold Bay, Sandy Point) — but not Angoon, Hoonah, and Kake.

In September of 2014, DMV proposes new regulations that directly correspond to Rep. JKT's question.

2014: DMV promulgates new regulations (replacing the 2011 regulations), which borrow criteria from vehicle registration exemption statutes. The new 2014 regs add a requirement that a community not have an average daily traffic count over 499.

This creates a new "hard" criterion definitively excluding Angoon, Kake, and Hoonah from OHDL eligibility. Angoon, Kake, and Hoonah happen to be three of the very few off-highway communities in Alaska for which DMV says they have traffic data. DMV says that they do not have traffic data for other OHDL communities, including (for instance) Sand Point, which has a population twice that of Angoon's.

Hello, HB 82.

Clarifies OHDL community eligibility so that eligibility criteria are aligned with the intent of OHDLs.

- Traffic count is a highly arbitrary metric. In 2013, Angoon had a traffic count of 915: not eligible for OHDLs. In 2015, Angoon's highest traffic count was 433 — suddenly, it's eligible! But for Angoon, there's no difference: whether their traffic count is above or below 499, they still can't get a driver's license unless they take the ferry to Juneau. In small, limited-road communities, it shouldn't be a surprise that everyone drives on the same one or two main roads over and over. Your ability to get a driver's license shouldn't be staked on whether or not a traffic count was measured on a busy day in town.
- There's no systematic way for DOT to share traffic count data with DMV. Removing traffic count from the equation allows DMV to go back to using common sense metrics to determine whether a community is off-highway, and saves DMV the administrative hassle of having redetermine whether each community is eligibility each year.
- If it's made prohibitively difficult for people in rural communities to get driver's licenses, they will (and do) drive illegally.

What should matter?

Is your community off the road system?

Do you not have a DMV?

Then you should qualify for off-highway driver's licenses.

That's what our bill does.

It's simple. And it's the way it effectively worked
(and worked well) for more than two decades.

	Population	Regular Licenses	Registered Vehicles	# of off Highway Licenses	% of population with Off Hwy Licenses
Currently Eligible Communities:					
Sand Point	976	415	168	95	9.70%
Hooper Bay	1093	132	15	6	0.55%
Gustavus	442	479	489	13	2.94%
Togiak	817	207	46	10	1.22%
Unalakleet	689	386	133	33	4.79%
King Cove	938	333	113	93	9.91%
Metlakatla	1375			124	9.01%
Newly Eligible Communities:					
				*applied avg of OHDLs	Average: 5.45%
Hoonah	760	565	644	41	
Kake	557	289	210	31	
Angoon	459	219	143	25	
Seldovia	255	418	715	14	
Hyder	87	74	122	5	

Metrics

- Traffic count does not provide any information about whether a community is off-highway.
- There are significantly larger communities which are OHDL eligible.
- Only a small proportion of an eligible population typically gets an OHDL.
- There are communities with ferry access currently eligible.

OHDL Eligible Towns with Ferry Access

Metlakatla
Sand Point
Akutan
King Cove
Port Lions
Tatitlek
Cold Bay
Chignik
Alatna

Thanks.

- DMV: Marla Thompson, Director.
Audrey O'Brien, Office Manager.
- DOA: Sheldon Fisher, Commissioner
Minta Montalbo, Leg Liaison.
- DOT: Mike Lesman, Leg Liaison.
Jennifer Anderson, Transportation
Planner
Clint Farr, Crash Monitor
David Epstein, Architect and Technical
Engineer
- DPS: Alison Hanzawa, Leg Liaison.
- Courts: Nancy Meade, Deputy Admin
Director
- DCCED: Micaela Fowler, Leg Liaison,
Division of Insurance
- DOL: Michael Stanker, Attorney
- City of Seldovia: Cassidi Little

Other committee questions.

1

How many people are eligible for driver's licenses in these communities and don't have them?

Hard to say! You can't count unlicensed as a definitive category.

Total population of community - number of currently licensed drivers =

Hoonah: 195

Kake: 268

Angoon: 240

Seldovia: -163 (0)

Hyder: 13

Total: 716

2

How many cars are currently registered in Angoon, Hoonah, Kake, Seldovia, and Hyder?

There are 1834 cars currently registered and 1565 regular licenses among a total combined population of 2118.

(Population data from 2010 US Census, Cars and license data from Marla Thompson, AK DMV Director)

3

Of all the communities with DMVs, what's the community that has the *lowest* "highest ADT"?

The community of Anderson has the lowest "highest ADT." For 2015, we calculate its Average Annual Daily Traffic at 340.

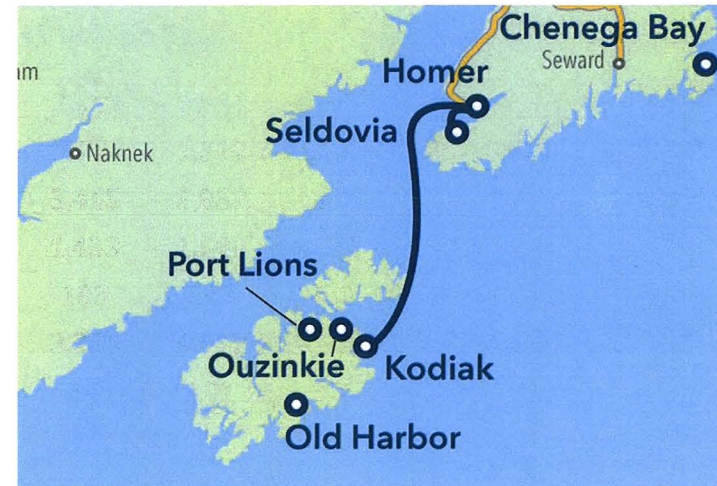
Anderson is a small community of 246 in the Denali Borough, north of Healy and Southwest of Fairbanks.

(2016 numbers not yet available.)
(Mike Lesmann, DOT)

How many cars go to Seldovia?

Disembarking AMHS Vehicle Traffic

OHDL Eligibility	Community	2013	2014	2015	Average
No	Seldovia	877	1,312	1,182	1124
No	Kodiak	3,445	4,857	4,473	4258
Yes	Gustavus	1,433	1,509	1,567	1503
Yes	Port Lions	183	548	481	404
No	Homer	3,285	4,977	4,664	4309
Yes	Sand Point	54	101	95	83



Seldovia, currently ineligible for off-highway licenses, has around 1124 vehicles arrive on the ferry each year.

In comparison, 1503 vehicles which get off the ferry each year in Gustavus, where drivers currently can get OHDLs.