

HB

82

<TARGET><BILL>HB 82</BILL><SUBJECT>HB
82</SUBJECT><COMM>HTRA30</COMM></TARGET>

ALASKA LEGISLATURE

Representative Jonathan Kreiss-Tomkins

Sponsor Statement | HB 82 Off-Highway Driver's Licenses

Currently, 294 off-road Alaskan communities are eligible for off-highway restricted driver's licenses (OHDLs). OHDLs are licenses that are important to rural residents: they don't require a photo or a road test, so you can get them through the mail. For communities that do not have DMV offices, having access to OHDLs means you don't need a five day trip, five hundred dollars, and a road test in an unfamiliar community to get legally licensed to drive at home.

But, due to a regulation change in 2014, the current eligibility requirements no longer match the intent of the off-highway program, and need to be reformed.

Before 2014, residents had to be unconnected to the road system, with no access to road testing through a DMV office. These criteria make sense. But in 2014, an additional requirement was added: if any community had any segment of road with an average daily traffic count of more than 499 (the Department of Transportation's estimate of how many times any road is driven over during any given day), that community's residents were ineligible for OHDLs.

This doesn't make sense: traffic count is an arbitrary metric. Communities either have access to a DMV office, and can easily get regular licenses, or they don't, and should qualify for off-highway licenses. Traffic count is irrelevant, and can change year to year, so off-highway communities are always at risk of getting their eligibility revoked. Angoon, Kake, and Hoonah, who enjoyed several decades of eligibility, were told that their communities no longer qualified as off-highway — which came as a surprise to residents.

In addition to the traffic count problem, the policies about whether a rural community connected to the road system by the Alaska Marine Highway counted as true "access" to a DMV office was being enforced inconsistently. Some ferry accessible communities remained eligible: some were told that ferry access disqualified them.

HB 82 would reform the eligibility guidelines for off-highway driver's license program. It clarifies the issue of ferry access, and removes arbitrary traffic count requirements. It would return to the common sense eligibility requirement that worked for decades: if a community is not connected to the terrestrial road system, and they don't have a DMV, they qualify for off-highway licenses. The bill would re-add Kake, Hoonah, Angoon, Hyder, and Seldovia to the list of eligible communities, and safeguard other communities from being kicked off the list.

ALASKA LEGISLATURE

Representative Jonathan Kreiss-Tomkins

Angoon · Coffman Cove · Craig · Edna Bay · Elfin Cove · Game Creek · Hollis · Hoonah · Kake · Kasaan · Klawock · Kupreanof · Naukat
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 non-commercial vehicles driven in off-road eligible areas by drivers with valid driver's licenses, including off-road system restricted noncommercial driver's license, from registration. The requirements for off-highway commercial driver's licenses remain unchanged to comply with federal law.

Section 2.

Amends section AS 28.10.011. Requires the department to publish a list of areas which don't have land-connected road access to a driver's test once a year. Drivers in communities on this list are eligible for off-highway 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, and updates the statutory citation that references off-highway areas.

Section 4.

Amends AS 28.22.011 to maintain that non-commercial vehicles driven in off-road areas (as dictated by updated list published by the department) are exempt from vehicle insurance.

Section 5.

Uses the word "areas" instead of "communities" to include off-road system eligible places in existing statutes on ignition interlock devices, and updates the statutory citation for off-highway areas.

Section 6.

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

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, since the new list is required to be published under AS 29.10.011(b).

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version:	CSHB 82(STA)
Fiscal Note Number:	1
(H) Publish Date:	3/20/2017

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	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
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:	Marla Thompson, Director	Phone:	(907)269-5574
Division:	Motor Vehicles	Date:	01/27/2017 04:00 PM
Approved By:	Sheldon Fisher, Commissioner	Date:	01/28/17
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

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

Fiscal Note

State of Alaska
2017 Legislative Session

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

Identifier: HB082CS(TRA)-DOA-DMV-03-23-17
Title: RESTRICTED OFF HWY DRIVER'S LICENSE
Sponsor: KREISS-TOMKINS
Requester: House State Affairs

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	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018					
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

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
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:

Updated for committee substitute version. Removed CDL driver exemption and deleted the request for position.
--

Prepared By:	Marla Thompson, Director	Phone:	(907)269-5574
Division:	Motor Vehicles	Date:	03/23/2017 12:00 PM
Approved By:	Sheldon Fisher, Commissioner	Date:	03/23/17
Agency:	Department of Administration		

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.

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.

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 annual review and upkeep of the community lists. However, existing staff will absorb these duties.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 6, 2017

SUBJECT: Off-highway system driver's license
(HB 82; Work Order No. 30-LS0367\A.2)

TO: Representative Jonathan Kreiss-Tomkins
Attn: Berett Wilber

FROM: Hilary V. Martin
Legislative Counsel

Attached is the amendment you requested. I have changed AS 28.10.011(10) to make it clear that the language only applies when a person is driving a non-commercial motor vehicle, and have also changed the "or" to an "and" in AS 28.10.011(10)(A). I have made a similar change in AS 28.22.011(a)(1).

The federal regulations at 49 C.F.R. 383.3(e)(2) refer to the license as a "restricted commercial driver's license." You may wish to change the bill to reflect the term used in federal regulation.

Additionally, the federal regulation applies to when a person with a restricted commercial driver's license can operate a commercial motor vehicle. If a person has a restricted commercial driver's license, the person can operate a commercial motor vehicle only in areas of the state that are not connected by land highway or vehicular way to the land-connected state highway system, and in areas that are not connected to any highway or vehicular way with an average daily traffic volume greater than 499. The federal regulation does not specify when a vehicle does or does not have to be registered.

AS 28.10.011 relates to when a vehicle must be registered. From my understanding of the federal regulation and the email received from Cori Mills, it appears that a commercial motor vehicle must be registered regardless of where it is in the state. The federal regulation only relates to where a person with a restricted commercial driver's license can operate a commercial motor vehicle in the state. A person operating a non-commercial motor vehicle in the state with a restricted commercial driver's license would seem to fall within the registration requirements under AS 28.10.011(11). Therefore, it may be possible to simply repeal AS 28.10.011(10) because it appears that a commercial motor vehicle always has to be registered, and then AS 28.10.011(11) could be amended to clarify that it applies to non-commercial motor vehicles but to a person with any kind of driver's license, including a restricted commercial driver's license.

If I may be of further assistance, please advise.



HVM:boo
17-126.boo

Attachment

[Listen Live \(http://quarrel.str3am.com:8064/listen.pls\)](http://quarrel.str3am.com:8064/listen.pls)

Debate Over Off-Highway Driver's Licenses Puts Seldovia In The Spotlight

By SHADY GROVE OLIVER • 21 MINUTES AGO

-  [Tweet \(http://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.tinyurl.com%2FmImmaxe&text=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight\)](http://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.tinyurl.com%2FmImmaxe&text=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight)
-  [Share \(http://facebook.com/sharer.php?u=http%3A%2F%2Fwww.tinyurl.com%2FmImmaxe&t=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight\)](http://facebook.com/sharer.php?u=http%3A%2F%2Fwww.tinyurl.com%2FmImmaxe&t=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight)
-  [Google+ \(https://plus.google.com/share?url=http%3A%2F%2Fwww.tinyurl.com%2FmImmaxe\)](https://plus.google.com/share?url=http%3A%2F%2Fwww.tinyurl.com%2FmImmaxe)
-  [Email \(mailto:?subject=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight&body=http%3A%2F%2Fwww.tinyurl.com%2F\)](mailto:?subject=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight&body=http%3A%2F%2Fwww.tinyurl.com%2F)

Many communities located off the beaten path still have roads. Because there are roads, there are people who want to drive on them. That's the crux of an issue currently before the legislature on the subject of off-highway driver's licenses that's sparked debate about the definition of highways as they relate to coastal communities.

Listen

6:42

Debate from the recent hearing on HB 82 before the House State Affairs committee

Seldovia found itself at the center of the debate over how residents of off-highway communities get to drive. It got there because of its unique position as a remote community that's not too remote. It's a larger town, but not too large. It's the Mama Bear community in this Goldilocks debate.

"Off-highway driver's licenses were designed for off-road system communities that don't have access to Division of Motor Vehicle (DMV) offices, so they can't physically get driver's licenses from where they live. This program allows them to get driver's licenses in the mail," explained Berett Wilbur, a staffer for Rep. Jonathan Kreiss-Tomkins (D-Sitka) who is sponsoring House Bill 82.

Right now there are 1120 drivers from 294 communities that qualify for these licenses, including Nanwalek and Port Graham. Seldovia does not currently qualify.

"It is a real driver's license," said Wilbur. "You have to take a written test to get it, although the road test is waived. It's only valid in off-highway communities. If you were to go on the road system in Anchorage or Juneau, for instance, it would function like a provisional license. You would have to have a licensed driver 21 years of age or older in the car with you."

Common sense would define off-highway communities as those not connected to a physical road-type highway, Wilbur said. But, as often happens with conversations that take place over decades, through committees, and among separate organizations, this definition has become muddled over time.

"Basically we'd like to go back to the old system of using common sense to determine whether or not you should be eligible for an off-highway driver's license and that means, basically, to us, fulfilling two questions," she said. "Is your community off the road system? Yes. Does your community have a DMV? No. Then you should qualify for an off-highway driver's license."

Rep. Tomkins was approached by constituents from the southeast community of Angoon in 2012. They'd lost the ability to qualify for these special licenses and wanted to know why and if it could be changed. Over the course of a few years, people in Angoon, and those in Kake and Hoonah, who held these licenses suddenly found them no longer valid. They couldn't drive cars they had and, in some cases, had lost their only way to work through bear country.

"What we're hearing about how the rules are supposed to work and the list of communities that are actually on the eligibility list are inconsistent," Wilbur said.

HB 82 is looking to change that. Through the bill, Angoon, Kake, and Hoonah would re-qualify and Hyder and Seldovia would be brought into the fold.



http://mediad.publicbroadcasting.net/p/kbbi/files/styles/x_large/public/201703/10450654_101022291225

Seldovia harbor, pictured here in 2014

CREDIT SHADY GROVE OLIVER

From 1984 until 2006, there weren't really any specific provisions dictating who could or could not get off-highway licenses, meaning the DMV tried to use its best judgment to decide which communities would be eligible.

Then, in 2006, these licenses were drawn into what Wilbur called the 'Palin-era push' to formalize regulations in the state.

It's between 2011 and 2014 where the problem seems to lie. Changes to regulatory language muddied the waters for Marine Highway communities when it was decided that being able to hop on a ferry and get to a DMV office, no matter how long the trip or how high the cost, still counted as being connected to a highway.

Rep. Adam Wool (D-Fairbanks) brought up this point in recent discussion of the bill before the House State Affairs Committee.

"On the flip side of that, when you're in a community that's serviced by the marine highway system and people say we have to cut the funds because these marine highways are losing money...then the argument is, well, so are the regular highways," he said. "These are our highways. We need to support highways just like we're building a road to Valdez or Circle Hot Springs. So, the highway argument is thrown in because I think the marine highway is functioning as a highway to a lot of communities that want service of transportation."

In addition, new criteria introduced during those years called for data provided by DMV traffic counts to come into play, with communities showing too much average traffic flow no longer qualifying. For communities with extreme traffic growth in the summer months, like Seldovia, some people felt the numbers were too arbitrary to give an accurate picture of traffic.

Others, however, felt that if traffic grows in the summer months, perhaps drivers should be licensed in a stricter fashion to compensate.

Rep. Wool considered this point in speaking about Seldovia.

"It's on the ferry system. It's not that remote. It's not a 12-hour boat ride. It's close to a mainland," he said. "Over a thousand cars go there every summer and people go, hmm, maybe they should be registered, just a thought."

Seldovia's Cassidi Little was invited to provide testimony before the committee. She said she didn't even know about the licenses until a young man from town came to her asking about them.

In Seldovia, younger drivers can come into the city office and take a written test which is sent off to Juneau to be graded, she explained. If they pass, they can get a provisional license, like a learner's permit, then go to Homer, take the road test, and if they pass, get a regular license.

"The majority of the kids have a really hard time passing the test and I think it's because part of it is that the environment here differs so much from driving environments on the other side," Little said.

Seldovia drivers don't typically have to change lanes often. There are no stoplights, only a couple of yield signs, and they rarely go above 30 mph, she noted.

"And I think that having this off-highway driver's license would be a stepping stone for these young kids to gain confidence and gain knowledge on how to drive in a safe manner and it could be a stepping stone for them for that next standard driver's license that they could get later on," she said.

She also noted the license is helpful for Elders and other residents who never leave the community, not even to come across the bay, but need to use vehicles to go to the grocery store or haul materials like wood or coal.

Supporters of HB 82 say it's only fair that non-roadway-connected communities without DMV offices offer this service to their residents. Opponents say perhaps regular licenses are the way to go, especially for communities like Seldovia that find themselves right in the middle.

The next stop for the bill is its second committee of referral, House Transportation, on Tuesday, March 28, from 1-3 p.m.

-  [Tweet \(http://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.tinyurl.com%2Fmlmmaxe&text=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight\)](http://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.tinyurl.com%2Fmlmmaxe&text=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight)
-  [Share \(http://facebook.com/sharer.php?u=http%3A%2F%2Fwww.tinyurl.com%2Fmlmmaxe&t=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight\)](http://facebook.com/sharer.php?u=http%3A%2F%2Fwww.tinyurl.com%2Fmlmmaxe&t=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight)
-  [Google+ \(https://plus.google.com/share?url=http%3A%2F%2Fwww.tinyurl.com%2Fmlmmaxe\)](https://plus.google.com/share?url=http%3A%2F%2Fwww.tinyurl.com%2Fmlmmaxe)
-  [Email \(mailto:?subject=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight&body=http%3A%2F%2Fwww.tinyurl.com%2F\)](mailto:?subject=Debate%20Over%20Off-Highway%20Driver%27s%20Licenses%20Puts%20Seldovia%20In%20The%20Spotlight&body=http%3A%2F%2Fwww.tinyurl.com%2F)

We were unable to load Disqus. If you are a moderator please see our troubleshooting guide.

(<http://www.npr.org/>)

(<http://www.americanpublicmedia.org/>)

(<http://www.pri.org/>)

(<http://www.cpb.org/>)

(<http://www.bbc.com/>)

EEO Public File Report (http://mediad.publicbroadcasting.net/p/kbbi/files/201609/2016_kbbi_eo_public_file_report.pdf)

Contact Us (<http://kbbi.drupal.publicbroadcasting.net/contact-us>)



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



612 West Willoughby Ave, Suite B, P.O. Box 21989, Juneau, AK 99802
Phone: (907) 586-4360 email: info@seconference.org www.seconference.org





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:

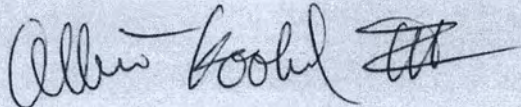
I am writing on behalf of the City of Angoon in support of HB-62 Off-Highway Driver's Licenses. The City of Angoon, which is located on Admiralty Island, has a population of 459 residents with less than 10 miles of road all together.

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

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

HB 82 Testimonials

I am all in favor of getting off system driver's license for our community. Most community members do not leave town but maybe once or twice a year. It is also very expensive to go to Juneau to get a driver's license. Please let us get an off system license for our town. I'm writing from Hoonah.

Thank you.

— Jolene Koenig

March 13, 2017

As a Hoonah resident I support off road licenses and I am guessing that most other residents would agree. "Off-road" pretty much defines what this community; is about.

— James Erickson

Hoonah, AK 99829

March 11, 2017

This is in support of HB 82:

Rural communities not considered "off highway" have many obstacles to overcome in order to receive our driver's licenses:

1. We must travel to Juneau, Sitka, Wrangell or Petersburg to take the written/road tests. Sitka only administers road tests on Tuesdays. If the ferry schedule coincides, we would pay at least \$100 one way + hotel + food. If the ferry schedule does not coincide, flying in a small plane will run at least \$300 RT + hotel + food. If we get stormbound, add \$150 a day for expenses + time away from work.
2. To take the road test, drivers must borrow or rent a car, or take our own vehicle. I calculated my vehicle + driver ticket on the ferry at \$240.
3. DMV on their website lists 3rd party testers, independent businesses who administer road tests. Kake, Angoon and Hoonah are not included in these sites--only Juneau.

Some rural drivers only wish to drive in the village, myself included. I am 64 years old, and only

wish to drive in my village of Kake. It would be much easier and less of a financial burden if we only had to take the written test, rather than having to pay the \$700+ expense of having to take the road test. I urge you to once again include Kake, Angoon and Hoonah as locations authorized for Off Highway Drivers' Licenses. Thank you.

— Georgina Davis-Gastelum

907-723-9524

March 14, 2017

I was thankful to have attended the hearings last week with a few Hoonah Students. I strongly support off road licenses for our rural communities. I think the voice of Our Rural Communities should be known. We have miles and miles of roads, our families rely on subsistence and wood stoves, we need to work with our community to be able to safely access our surroundings areas. We need to help our youth feel comfortable and able to work towards Regular Licensing, the cost associated with going to Juneau to take the tests are far more than those on the road system incur. Ferry tickets, housing, vehicle costs, etc. Rural communities should have the support and ability to provide off road licensing to residents to ensure we are keeping safety our number one concern. Let's give them the tools they need to be successful.

Gunalchéesh Tlein,

— Lgeik'i

chookanshaa@gmail.com

907-738-5555

March 11, 2017

I'm in favor of off road licenses in rural subsistence communities. Angoon is a very traditional native subsistence village. The residents of this town, including myself, engage in a wide variety of subsistence activities all throughout the year. As a licensed driver, I can tell you, it's a lot easier to subsist with a vehicle. There are residents that have no need, and I'm sure no desire to go driving in the city. If they did, they could simply go and get a driver's license. The benefits of an off road license provision in rural communities would be to set up a lower requirement, limited form of a license that would allow them to at least drive in their "off road" communities only, so they could get around to do things like driving to harvest berries, or launching their boats, or driving to the

distant trail to the cockle beach, or anything else subsistence related. That's why subsistence communities should be allowed off road licensing... In my opinion anyway.

— Joshua Bowen Sr.

Angoon

March 10, 2017

I need an off road license. I don't drive in a city and I doubt that Angoon will be getting a major highway anytime soon. We don't even have paved roads.... I doubt if there is any place to parallel park....

— Doreen Gamble-Williams

Angoon

March 10, 2017

HB 82: Off-Highway Driver's Licenses

House State Affairs | 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**

Adak	Cape Lisburne	Elim	Kanatak	Meshik	Pelican	Savoonga	Tyonek
Afognak	Cape Newenham	Ellamar	Kantishna	Mettakatta	Pennock Island	Scammon Bay	Ugashik
Akhiok	Cape Pole	Emmonak	Karluk	Meyers Chuck	Perry Island	Seal Bay	Umiat
Akiachak	Cape Yakataga	English Bay	Kashegelo	Moses Point	Perryville	Selawik	Umnak
Akiak	Chakaktolik	Evansville	Kasigliuk	Mountain Village	Pikmiktalik	Shageluk	Unalakleet
Akolmiut	Chalkyitsik	Excursion Inlet	Katalla	Mumtrak	Pile Bay	Shaktolik	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	Chefornak	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	Sneltisham	Mentasta Lake
Amchitka	Chenik	Gambell	Kokhanok	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	Pooman	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	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	
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	Effin 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 to bring eligibility criteria into alignment 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

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.

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

ALASKA LEGISLATURE

Representative Jonathan Kreiss-Tomkins

HB 82 — Off-Highway Driver's License Follow-Up Questions

House Transportation Hearing | March 28, 2017

Follow-ups have been to individual committee members on specific points of inquiry that came up in the House Transportation hearing on March 28, 2017. Here's a compilation of questions and answers for all committee members for their reference.

1. Is there a history of safety complaints from rural places which are exempt from insurance and registration (which qualify for off-highway licenses) as a result of their exempt status? Does an off-highway licensed driver have to follow the same laws that address safety as a regular licensed driver? (Rep. Neuman)

No. According to Department of Public Safety Legislative Liaison Allison Hanzawa, the Department did not get safety complaints as a result of off-highway licenses and their exemption from registration and insurance. There are complaints that occur when other laws are broken in exempt areas (such as driving while intoxicated), but the consequences for exempt drivers who break those laws are the same as they are for regularly licensed drivers. Their licenses can also be similarly revoked if they break those laws.

2. How does Kathie Wasserman and the Alaska Municipal League feel about HB 82? (Rep. Sullivan-Leonard)

Ms. Wasserman's takeaway was that HB 82 was a bill she was probably wouldn't have looked at without prompting. She said that AML focuses on bills that either take away local control or create an unfunded mandate for municipalities, and it didn't sound like HB 82 did either.

She said she looked at the letters of support and said it seemed like the bill "helped communities do what they need to do," which AML was good with.

3. How will HB 82 affect large communities off the road system with significant populations, which are not the intended user group for off-highway driver's licenses, but might qualify under the law — for example, a town like King Salmon? (Representative Kopp)

The town of King Salmon itself has DMV, so it doesn't currently qualify off-highway driver's licenses, nor would it if HB 82 were to pass. But the theoretical question is still worth addressing.

We've worked closely with the DMV to make sure that there are no large "problem" communities (communities that may be isolated, but are urban or large enough that they really shouldn't be exempt from vehicle registration, insurance, and getting regular licenses) that would get added to the off-highway list.

Right now there's only a tiny donut hole of communities (Kake, Angoon, Seldovia, Hyder, and Hoonah) which HB 82 would affect, because the communities don't fall under one of three categories:

- 1) they are already eligible for off-highway license,
- 2) they have a DMV in their town, or
- 3) they're connected to the road system.

Under HB 82, those five communities would become eligible for licenses, and fall into category 1.

There are only two ways for additional problem communities to develop: a community that is currently small and eligible for off-highway licenses could radically grow in size, or a DMV office could close in a large community. The DMV already has the power to deal with the first problem -- they can offer road testing in the community, either through a contract agent, by opening a DMV office, or sending someone to do road tests every few months.

Under HB 82, they would also have the power to deal with the second problem — HB 82 gives the DMV a year to decide if a community should become off-highway license eligible, or whether it would be better to set up a system offering road testing on a regular basis. For a town like King Salmon, it seems likely that the DMV would choose the latter approach, but as the state experts on licensing, it would be up to the Division to decide.

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;

(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

HB 82 — Off-Highway Driver's Licenses Summary of Changes ver A to ver D

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.

Summary of Changes ver D to ver J

One amendment with three changes was offered in House State Affairs, after a conversation with the Division of Motor Vehicles in which they clarified their internal policies on off-highway driver's licenses, requested a few additional changes.

Section 2. A change was made to explicitly clarify that communities with ferry access would count as eligible for off-highway driver's licenses, by deleting reference to "state highway" (which technically includes the Alaska Marine Highway) in favor of state road (which does not include AMHS).

"12 months" was substituted for "fiscal year." If a road test was offered in the first month of one fiscal year, and last month of the next fiscal year, technically the language of the bill would be fulfilled, but drivers could go 22 months without access to road tests. Changing the language to 12 months guarantees a specific time limit in which driver's must be able to take a road test.

Section 4. "Non-commercial" was inserted before "motor vehicle" to be consistent with language in Section 1.