

LEG. FINANCE - BILLS 1985 - 1986 2222

CSSB 278 cont. 2222

Sectional Analysis - CSSB278 (Fin) (am)

Section 1 (AS 28.05.091) In Governor's Bill.

Make it clear that a peace officer may impound a motor vehicle if the vehicle's identification number has been altered or removed. (Impounding is necessary to investigate whether the vehicle has been stolen).

Current language does not clearly authorize a seizure of this sort.

Section 2 (AS 28.05.141(c)) In Governor's Bill.

Allows a DMV hearing officer to take action against a person's vehicle title or registration as well as against the person's driver's license.

This conforms with current administrative practice.

Section 3 (AS 28.10.011(11)) Sen. Ferguson's amendment.

Exempts vehicles from registration if the roads they are driven on are small volume or are not connected to the state highway system.

Section 4 (AS 28.10.051) In Governor's Bill.

Makes it clear that a vehicle registration may be suspended or revoked when it was fraudulently obtained.

Current language says "when fraudulently or erroneously issued."

Section 5 (AS 28.10.181) Sen. Kelly's amendment.

Allows special request plates for Alaska National Guard personnel.

Section 6 (AS 28.10.411(c)) In Governor's Bill.

Makes it clear that senior citizens aged 65 or older on the date the vehicle registration fee is due is exempt from the fee.

Section 7 (AS 28.10.421(b) Rep. Gruenberg-Miller amendment.
Increases by \$5 annual registration for private
vehicles, pickup trucks, taxicabs, commercial busses,
motorcycles and certain trailers.

Section 8 (AS 28.10.421(c) Rep. Gruenberg-Miller amendment.
Increases by \$5 annual registration for commercial
vehicles.

Section 9 (AS 28.10.421(d)) Sen. Kelly's amendment.

Sets \$30 fee for Alaska National Guard plates.

Revenue increase from Sections 7, 8 and 9: \$2,250,000 in
FY87, based on 450,000 vehicles.

Section 10 (AS 28.15.051(d)

Section 11 (AS 28.15.071(a)

Section 12 (AS 28.15.071(o) In Governor's Bill.

Currently a person under 18 cannot apply for an
automobile or motorcycle permit unless a parent or
guardian agrees to assume responsibility for damages.

These sections allow an 18-year-old or older spouse of
a minor to assume this responsibility.

Section 13 (AS 28.15.171(a)) In Governor's Bill

Clarifies that a court has the authority to suspend or
revoke a nonresident's driving privileges in the same
way an Alaska driver's license may be suspended or
revoked.

Section 14 (AS 28.15.221(a)) Driver License Compact

Adds a section from this bill to existing law.

The added section (28.37.130) requires each member
state of the Compact to report each conviction of a
person from another member state to the offender's home
state.

Section 15 (AS 28.15.231) In Governor's Bill.

Allows the Division of Motor Vehicles to use
first-class mail (as they do now by regulation) to tell
drivers they are half way to enough points to lose
their license.

Section 16 (AS 28.15.271) Driver License Compact

Doubles most driver licensing fees. At the present time, on a cost per year basis, an Alaska driver's license costs less than in 1961 because the license duration increased from three to five years in 1978 but the fees were not changed.

Estimated revenue increase is \$575,000.

Section 17 (AS 28.35.032(a)) In Governor's Bill.

Drafter's language change ("shall" to "may"). Does not change meaning.

Section 18 (AS 28.15.271) Driver License Compact Bill

Raises driver's license fees. Estimated revenue increase is \$575,000.

At present, on a cost per year basis, the Alaska driver's license costs less now than it did in 1961. (The duration of the license changed from three years to five in 1978 but the cost did not increase.)

THE COMPACT

THE DRIVER LICENSE COMPACT

ARTICLE I
Findings and Declaration of Policy

- (a) The party states find that:
- (1) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.
 - (2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.
 - (3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.
- (b) It is the policy of each of the party states to:
- (1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.
 - (2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II

Definitions

As used in this Compact:

- (a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
- (b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.
- (c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III

Report of Convictions

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV

Effect of Conviction

- (a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this Compact, as it would if such conduct had occurred in the home state, in the case of convictions for:
- (1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;
 - (2) Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;
 - (3) Any felony in the commission of which a motor vehicle is used;
 - (4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.
- (b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.
- (c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in the subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V

Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

- (1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.
- (2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant, if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.
- (3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this Compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

ARTICLE VII

Compact Administrator and Interchange of Information

- (a) The head of the licensing authority of each party state shall be the administrator of this Compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this Compact.
- (b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this Compact.

ARTICLE VIII

Entry Into Force and Withdrawal

- (a) This Compact shall enter into force and become effective as to any state when it has enacted the same into law.
- (b) Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the Compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

WHAT OTHER STATES
SAY ABOUT THE COMPACT

WHAT MEMBER STATES SAY ABOUT COMPACT PARTICIPATION

ILLINOIS

"Our (motor vehicle administrators) overriding objective is to serve all motorists and continue to provide the safest highway transportation system in the world. Compact membership provides all states with an opportunity to accept their share of responsibility in meeting this objective."

VIRGINIA

"While we are confident that many lives have already been saved as a result of the Driver License Compact, we will be far from realizing our real potential until all states are members. As long as even one state provides a haven for people who want to get a second or third license, there is a weakness in the security we are trying to build."

FLORIDA

"We believe the Driver License Compact promotes uniformity, highway safety, responsible actions on the part of the driving population, the one license-one record concept, and leads to a greater degree of reciprocity while assisting law enforcement."

UTAH

"The benefits derived from this association (as a member of the Driver License Compact) far outweigh the costs."

HISTORY OF THE LICENSE

HISTORY OF THE DRIVER LICENSE COMPACT

In 1958, the Congress of the United States enacted a law based on the Beamer Resolution--which reaffirmed the principle that the states should bear primary responsibility for traffic safety--and granted congressional approval in advance to interstate compacts to further highway traffic safety.

The Council of State Governments began drafting what would become the Driver License Compact in 1960, in close cooperation with state motor vehicle administrators and the American Association of Motor Vehicle Administrators (AAMVA). The DLC was supported early on by a number of individuals and organizations, including legislators from a variety of states, the Interstate Compact Committee of the National Conference of Commissioners on Uniform State Law, the Western Interstate Committee on Highway Policy Problems, and the Western Governors' Conference.

Other organizations have endorsed the DLC, including: the International Association of Chiefs of Police, the National Association of Attorneys General, the National Grange, the National Highway Users' Conference, Inc., the National Safety Council, and the National Highway Traffic Safety Administration.

Nevada became the first state to adopt the DLC in 1961. Mississippi followed in 1962, putting the Compact into effect. Ten additional states joined in 1963. The number grew to twenty by 1966 and currently stands at 29.

In March 1965, the American Association of Motor Vehicle Administrators adopted a recommendation that AAMVA serve as the secretariat for states participating in the Compact. The Compact states ratified this action.

A Driver License Compact Commission (DLCC), made up of motor vehicle administrators from Compact states, was established in 1983 to administer the DLC and develop a long-term plan to increase membership and service. AAMVA also serves as secretariat of this organization.

QUESTIONS & ANSWERS

QUESTIONS AND ANSWERS

- Q. Must highway safety compacts be ratified by state legislative action?
- A. Yes. An interstate compact is the most formal, binding and stable kind of agreement for cooperative action by the states. Since it is a contract among signatory states, it must be entered into by state legislative action. The text of the compact should be identical in all states, but supplementary provisions may be varied to fit state law and policy.
- Q. Does the Driver License Compact contain new concepts in driver licensing procedures?
- A. No. Highway safety compacts are "agreements between party states entered into for the purpose of resolving mutual problems in interstate highway safety. The provisions of the DLC closely parallel--and are consistent with--the provisions of the Uniform Vehicle Code, Chapter 6, which has been developed over the years by the National Committee on Uniform Traffic Laws and Ordinances as a guide for state legislatures in dealing with licensing of drivers.
- Q. If a state has adopted the driver licensing provisions of the Uniform Vehicle Code, why does it need to adopt the DLC?
- A. Although the Uniform Vehicle Code provisions may have been adopted and general arrangements made with other states to implement its provisions, the Driver License Compact provides the stability and uniform applicability needed to control problem drivers effectively.

Q. Doesn't the National Driver Register provide adequate control of problem drivers?

A. No. It is only a partial remedy. The NDR covers about half of all revocations--those resulting from convictions of driving while intoxicated (DWI) or driving under the influence (DUI) and traffic violation convictions in connection with loss of life. It does not get information on other offenses, including many serious ones. And the Register does not automatically notify the home state of any out-of-state convictions of one of its drivers.

Q. What driver licensing principles does the DLC promote?

A. The following principles are emphasized:

- a. The driver's entire driving record, including out-of-state convictions, is known to the home state due to the exchange of information between states.
- b. The driver's record follows the driver on any moves from one state to another.
- c. The "one license" concept has become a realistic possibility among states in the Compact. Under the DLC, a driver should not be able to obtain a new license in another party state until surrendering a valid license and the driving record is reviewed. The only exception might be a driver who has never been licensed before.
- d. All drivers of a state are treated alike for purposes of suspensions or revocation, regardless of whether their violations occurred in the home state or out-of-state.

Q. Is information exchanged on all out-of-state convictions?

A. No. Only convictions which must be reported to the central state licensing authority in the state where the violation occurs are reported to the driver's home state. Normally, this includes only the most serious violations. Parking violations and other minor offenses are not reported.

The DLC recognizes four serious offenses that require action against the driver, regardless of where the convictions occur. These are: (1) manslaughter or negligent homicide; (2) driving under the influence; (3) a felony using a motor vehicle; and (4) hit-and-run driving resulting in injury or death.

Q. May a state withdraw from this Compact?

A. Yes. Any party may withdraw from this Compact by enacting a statute repealing the enabling legislation. No withdrawal can take effect until six months after the governor of the withdrawing state has given notice of the withdrawal to the governors of all other party states.

Q. Does ratification of the Compact affect other state laws or other interstate agreements?

A. No. Nothing contained in the DLC affects the rights of any party state to apply any of its other laws relating to licensing drivers. Nor does the Compact invalidate any cooperative agreements between a party state and a non-party state.

Offered: 5/5/86
Referred: Judiciary and
Finance

Original sponsor: Halford

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 278 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to impoundment and registration of
7 motor vehicles; senior citizen motor vehicle tax
8 exemptions; licensing of certain drivers; fees for
9 driver's licenses and permits; refusal to submit to a
10 chemical test for intoxication; and the driver's
11 license compact."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 * Section 1. AS 28.05.091 is amended to read:

14 Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DE-
15 FECTIVELY EQUIPPED VEHICLE]. A motor vehicle that [WHICH] is driven
16 on a highway or vehicular way or area, and that [WHICH] has been
17 determined to be defective in equipment so as to be unsafe for driv-
18 ing, or on which the vehicle identification number has been removed,
19 defaced, or otherwise altered, is an unlawful vehicle and may be
20 impounded by a peace officer or an employee of the department offi-
21 cially designated for that purpose. The owner or person in lawful
22 possession of a vehicle that is driven on a highway or vehicular way
23 or area and that is so defective in equipment as to be unsafe for
24 driving [THE VEHICLE] shall pay the necessary costs of impounding and
25 storing the vehicle. The impounding of a vehicle is in addition to
26 any other penalty. Nothing in this section prevents the driving or
27 moving of a defective vehicle in the manner directed by the peace
28 officer or employee to a place for

29 (1) the correction of a defect in the equipment;

1 (2) dismantling or wrecking; or

2 (3) storage without repair.

3 * Sec. 2. AS 28.05.141(c) is amended to read:

4 (c) If at the hearing under (a) of this section it appears that
5 the record of the person sustains suspension, revocation, limitation,
6 denial, or other remedial action, the hearing officer shall so order
7 and the department may suspend, revoke, limit, deny, or take other
8 remedial action against that person's license, registration, or title
9 and, if appropriate, the department shall adjust the person's point
10 total accumulated under AS 28.15.231.

11 * Sec. 3. AS 28.10.011(11) is repealed and reenacted to read:

12 (11) being driven or moved on a highway, vehicular way, or a
13 public parking place in the state that is not connected by a land
14 highway or vehicular way to

15 (A) the land-connected state highway system, or

16 (B) a highway or vehicular way with an average daily
17 traffic volume greater than 499;

18 * Sec. 4. AS 28.10.051 is amended to read:

19 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
20 The department may suspend or revoke the registration of a vehicle,
21 the certificate of registration or registration plates for a vehicle,
22 or a special permit when

23 (1) the department determines [IS SATISFIED] that the reg-
24 istration or certificate, plate or permit was fraudulently procured or
25 erroneously issued;

26 (2) the department determines that a registered vehicle is
27 mechanically unsafe to be driven or moved on a highway, vehicular way
28 or area, or other public property in this state and the vehicle has
29 been seized or impounded under AS 28.05.091;

1 (3) a registered vehicle has been scrapped, dismantled or
2 destroyed beyond repair;

3 (4) the department determines that a required fee or tax
4 has not been paid and the fee or tax is not paid upon reasonable
5 notice and demand;

6 (5) a registration plate, permit, or certificate is know-
7 ingly displayed upon a vehicle other than the vehicle for which is-
8 sued;

9 (6) the department determines that the owner of a vehicle
10 has committed an offense under this chapter involving the registration
11 or the certificate, plate, or permit to be suspended or revoked;

12 (7) the vehicle has been reported to the department as
13 stolen or unlawfully converted; or

14 (8) the department is otherwise required to do so under the
15 laws of this state.

16 * Sec. 5. AS 28.10.181 is amended by adding a new subsection to read:

17 (m) Special request plates for Alaska National Guard personnel.
18 Upon application by the owner of a passenger vehicle, noncommercial
19 van or pick-up truck, or motor home who presents satisfactory proof of
20 current membership in the Alaska National Guard, the department may
21 design and issue registration plates that identify the vehicle as
22 registered to a member of the Alaska National Guard. The owner shall
23 return the registration plates to the department within 10 days fol-
24 lowing discharge from the Alaska National Guard.

25 * Sec. 6. AS 28.10.41(c) is amended to read:

26 (c) A resident 65 years of age or older on January 1 of the year
27 the vehicle is registered is entitled to an exemption from the regis-
28 tration fee required [TAX] under this section for one motor vehicle
29 subject to registration under AS 28.10.421(b)(1), (2), (5), or (6).

1 An exemption may not be granted except upon written application for
2 the exemption on a form prescribed by the department.

3 * Sec. 7. AS 28.10.421(d) is amended to read:

4 (d) The special registration fees under this subsection are
5 imposed annually, unless otherwise specified, for:

6 (1) an historic vehicle (one time only upon initial regis-
7 tration under AS 28.10.181).....\$10;

8 (2) special request plates including those authorized for
9 use by Alaska National Guard personnel only..... \$30 [\$20];
10 plus the fee required for that vehicle under (b)(1) or (2) of this
11 section; the fee required by this paragraph shall be collected only on
12 the first issuance and on the replacement of special request plates;

13 (3) a vehicle owned by a disabled veteran or other handi-
14 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65
15 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;

16 (4) a vehicle owned by the state.....none;

17 (5) a vehicle owned by an elected state official....the
18 fee required for that vehicle under (b) of this section;

19 (6) a vehicle owned by a consular officer, unless waived
20 under AS 28.10.181.....\$30;

21 (7) a vehicle owned by a rancher, farmer, or dairyman and
22 registered under AS 28.10.181.....\$30;

23 (8) a snowmobile or off-highway vehicle.....\$ 5;

24 (9) an amateur mobile radio station vehicle,
25 (A) with a transceiver capable of less than 5-band
26 operation.....the
27 fee required for that vehicle under (b) or (c) of this section;

28 (B) in recognition of service to the public: a mobile
29 amateur radio station owned by an amateur with general class or

1 higher license, provided the station must be satisfactorily
2 proved capable of operating on at least five bands between 160
3 through 10 meters, must have an antenna, and must have a power
4 supply and wiring as a permanent part of the vehicle; the trans-
5 mitting unit may be removed from the car for service or dry
6 storage.....none
7 for a mobile amateur radio station vehicle included in (b)(1) or
8 (2) of this section;

- 9 (10) dealer registration plates,
10 (A) the initial set of plates.....\$40;
11 (B) each subsequent set of plates.....\$20;
12 (11) a vehicle owned by a municipality or charitable orga-
13 nization meeting the requirements of AS 28.10.181(c).....\$ 5;
14 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;
15 (13) a vehicle owned by a former prisoner of war.....none.

16 * Sec. 8. AS 28.15.051(d) is amended to read:

17 (d) The department may issue a special driver's permit to a per-
18 son who is at least 14 years of age with the consent of the person's
19 parents, [OR] guardians, or spouse who is 18 years of age or older,
20 for the purpose of driving a motor-driven cycle. This permit may be
21 issued upon application and successful completion of all prescribed
22 tests and fees, and is valid for the same period of time as a driver's
23 license. The permit is not valid in a municipality that by ordinance
24 prohibits the driving of a motor-driven cycle by a person under the
25 age of 16 years; a borough may adopt the ordinance on a nonareawide
26 basis only, unless the power to adopt it on an areawide basis is
27 acquired under AS 29.35.300 - 29.35.330 or former AS 29.33.250 -
28 29.33.290.

29 * Sec. 9. AS 28.15.071(a) is amended to read:

1 (a) The application of a person under the age of 18 years for an
2 instruction permit or driver's license must be signed by the father,
3 mother, [OR] guardian, or spouse who is 18 years of age or older, or
4 if there is no parent, [OR] guardian, or spouse, then by another re-
5 sponsible adult who is willing to assume the obligation imposed under
6 this section upon a person signing the application. The application
7 must be signed and verified before a person authorized to administer
8 oaths, or be signed in the presence of an authorized representative of
9 the department.

10 * Sec. 10. AS 28.15.071(c) is amended to read:

11 (c) If a minor deposits, or there is deposited on behalf of the
12 minor, proof of financial responsibility for the minor's driving of a
13 motor vehicle, in the form and amount required in AS 28.20, then the
14 department may accept the application of the minor signed as required
15 under (a) of this section, and, while proof of financial responsibil-
16 ity is maintained, the parent, guardian, spouse, or other responsible
17 adult is not subject to the liability imposed under (b) of this sec-
18 tion.

19 * Sec. 11. AS 28.15.171(a) is amended to read:

20 (a) The privilege of driving a motor vehicle on a highway or
21 vehicular way or area of this state given to a person licensed in an-
22 other jurisdiction is subject to suspension, [OR] revocation, or limi-
23 tation by the department or a court in the same manner and for the
24 same reasons as a driver's license issued under this chapter.

25 * Sec. 12. AS 28.15.221(a) is amended to read:

26 (a) For the purpose of identifying habitually reckless or negli-
27 gent drivers and habitual or frequent violators of traffic laws, the
28 commissioner shall adopt regulations establishing a uniform system for
29 the suspension, revocation, limitation or denial of a driver's license

1 or driving privilege by assigning demerit points for convictions for
2 violations of traffic laws which are required to be reported to the
3 department under AS 28.15.191 and AS 28.37.130.

4 * Sec. 13. AS 28.15.231 is amended by adding a new subsection to read:

5 (f) The notice required under (a) of this section may be given
6 by first class mail.

7 * Sec. 14. AS 28.15.271 is amended to read:

8 Sec. 28.15.271. FEES. The fees for drivers' licenses and per-
9 mits, including but not limited to renewals, are as follows:

- 10 (1) all classes of drivers' licenses..... \$10 [\$ 5];
- 11 (2) motor-driven cycles..... \$10 [\$ 2];
- 12 (3) instruction permit..... \$3 [\$ 1];
- 13 (4) duplicate of driver's license or instruction per-
14 mit..... \$3 [\$ 2];
- 15 (5) temporary license and renewal of permit... \$3 [\$ 1];
- 16 (6) school bus driver's permit..... \$3 [\$ 2].

17 * Sec. 15. AS 28.35.032(a) is amended to read:

18 (a) If a person under arrest refuses the request of a law en-
19 forcement officer to submit to a chemical test under AS 28.35.031(a),
20 after being advised by the officer that the refusal will, if that per-
21 son was arrested for [WHILE] operating or driving a motor vehicle for
22 which a driver's license is required, result in the denial or revoca-
23 tion of the license or nonresident privilege to drive, that the refus-
24 al may be used against the person in a civil or criminal action or
25 proceeding arising out of an act alleged to have been committed by the
26 person while operating or driving a motor vehicle or operating an air-
27 craft or a watercraft while intoxicated, and that the refusal is a
28 misdemeanor, a chemical test shall not be given, except as provided by
29 AS 28.35.035.

1 * Sec. 16. AS 28 is amended by adding a new chapter to read:

2 CHAPTER 37. DRIVER LICENSE COMPACT.

3 ARTICLE 1. GENERAL PROVISIONS.

4 Sec. 28.37.010. COMPACT ENACTED. The Driver License Compact is
5 enacted into law and entered into with all other jurisdictions legally
6 joining in it in the form substantially contained in AS 28.37.110 -
7 28.37.190.

8 Sec. 28.37.020. LICENSING AUTHORITY. In this chapter the term
9 "licensing authority" with reference to this state means the division
10 of motor vehicles in the Department of Public Safety. The department
11 shall furnish to the appropriate authority of another party state the
12 information or documents reasonably necessary to facilitate the admin-
13 istration of AS 28.37.130 - 28.37.150.

14 Sec. 28.37.030. EXPENSES OF ADMINISTRATOR. The compact adminis-
15 trator provided for in AS 28.37.170 is not entitled to additional
16 compensation on account of service as the administrator, but is enti-
17 tled to expenses incurred in connection with the duties and responsi-
18 bilities as the administrator, in the same manner as for expenses
19 incurred in connection with other duties or responsibilities of the
20 office or employment.

21 Sec. 28.37.040. EXECUTIVE HEAD. In this chapter, with reference
22 to this state, the term "executive head" means the governor.

23 ARTICLE 2. COMPACT TERMS.

24 Sec. 28.37.110. FINDINGS AND POLICY STATEMENT. (a) The party
25 states find that

26 (1) the safety of their streets and highways is materially
27 affected by the degree of compliance with state laws and local ordi-
28 nances relating to the operation of motor vehicles;

29 (2) violation of a law or ordinance is evidence that the

1 violator engages in conduct that is likely to endanger the safety of
2 persons and property;

3 (3) the continuance in force of a license to drive is
4 predicated upon compliance with laws and ordinances relating to the
5 operation of motor vehicles, in whichever jurisdiction the vehicle is
6 operated.

7 (b) It is the policy of the party states to

8 (1) promote compliance with the laws, ordinances, and
9 administrative regulations relating to the operation of motor vehicles
10 by their drivers in each of the jurisdictions where those drivers
11 operate motor vehicles;

12 (2) make the reciprocal recognition of licenses to drive
13 and eligibility for them more just and equitable by considering the
14 overall compliance with motor vehicle laws, ordinances, and adminis-
15 trative regulations as a condition precedent to the continuance or
16 issuance of a license by reason of which the licensee is authorized or
17 permitted to operate a motor vehicle in the party states.

18 Sec. 28.37.120. COMPACT DEFINITIONS. In this chapter

19 (1) "conviction" means a conviction of an offense related
20 to the use or operation of a motor vehicle that is prohibited by state
21 law, municipal ordinance, or administrative regulation, or a forfei-
22 ture of bail, bond or other security deposited to secure appearance by
23 a person charged with having committed an offense described in this
24 paragraph, and that is required to be reported to the licensing au-
25 thority under AS 28.37.130;

26 (2) "home state" means the state that has issued and has
27 the power to suspend or revoke the use of the license or permit to
28 operate a motor vehicle;

29 (3) "state" means a state, territory, or possession of the

1 United States, the District of Columbia, or the Commonwealth of Puerto
2 Rico.

3 Sec. 28.37.130. REPORTS OF CONVICTIONS. The licensing authority
4 of a party state shall report each conviction of a person from another
5 party state occurring within its jurisdiction to the licensing author-
6 ity of the home state of the licensee. The report shall clearly iden-
7 tify the person convicted; describe the violation specifying the
8 section of the statute, code, or ordinance violated; identify the
9 court in which action was taken; indicate whether a plea of guilty or
10 not guilty was entered, or the conviction was a result of the forfei-
11 ture of bail, bond or other security; and shall include any special
12 findings made in connection with the conviction.

13 Sec. 28.37.140. EFFECT OF CONVICTION IN PARTY STATE. (a) The
14 licensing authority in the home state, for the purposes of suspending,
15 revoking, or limiting the license to operate a motor vehicle, shall
16 give the same effect to the conduct reported under AS 28.37.130 as it
17 would if the conduct had occurred in the home state, in the case of a
18 conviction for

19 (1) manslaughter or negligent homicide resulting from the
20 operation of a motor vehicle;

21 (2) driving a motor vehicle while under the influence of
22 intoxicating liquor or a narcotic drug, or under the influence of any
23 other drug to a degree that renders the driver incapable of safely
24 driving a motor vehicle;

25 (3) any felony in the commission of which a motor vehicle
26 is used;

27 (4) failure to stop and render aid in the event of a motor
28 vehicle accident resulting in the death or personal injury of another.

29 (b) As to another conviction, reported under AS 28.37.130, the

1 licensing authority in the home state shall give the effect to the
2 conduct that is provided by the laws of the home state if the offense
3 constituting the conduct report under AS 28.37.130 has elements simi-
4 lar to those of the home state as defined in the home state at the
5 time the offense constituting the conduct report under AS 28.37.130
6 was committed.

7 (c) If the laws of a party state do not provide for offenses or
8 violations denominated or described in precisely the words employed in
9 (a) of this section, the party state shall construe the denominations
10 and descriptions appearing in (a) of this section as being applicable
11 to and identifying the offenses or violations of a substantially
12 similar nature, and the laws of the party state shall contain the
13 provisions necessary to ensure that full force and effect is given to
14 this section.

15 Sec. 28.37.150. GROUNDS REQUIRING REFUSAL TO ISSUE LICENSE.
16 Upon application for a license to drive, the licensing authority in a
17 party state shall ascertain whether the applicant has ever held, or is
18 the holder of a license to drive issued by another party state. The
19 licensing authority in the state where application is made may not
20 issue a license to drive to the applicant if

21 (1) the applicant has held a license, but the license has
22 been suspended by reason, in whole or in part, of a violation, and the
23 suspension period has not terminated;

24 (2) the applicant has held a license, but the license has
25 been revoked by reason, in whole or in part, of a violation, and the
26 revocation has not terminated; except that after the expiration of one
27 year from the date the license was revoked, the person may make appli-
28 cation for a new license if permitted by law; the licensing authority
29 may refuse to issue a license to an applicant if, after investigation,

1 the licensing authority determines that it will not be safe to grant
2 to the person the privilege of driving a motor vehicle on the public
3 highways;

4 (3) the applicant is the holder of a license to drive
5 issued by another party state and currently in force, unless the
6 applicant surrenders the license.

7 Sec. 28.37.160. APPLICATION OF OTHER STATE LAWS. Except as
8 expressly required by provisions of this chapter, nothing in this
9 chapter shall be construed to affect the right of a party state to
10 apply any of its other laws relating to licenses to drive to any
11 person or circumstance, nor to invalidate or prevent any driver li-
12 cense agreement or other cooperative arrangement between a party state
13 and a nonparty state.

14 Sec. 28.37.170. ADMINISTRATOR OF COMPACT. (a) The head of the
15 licensing authority of each party state shall be the administrator of
16 the compact for that state. The administrators of all party states,
17 acting jointly, shall have the power to formulate all necessary and
18 proper procedures for the exchange of information under this compact.

19 (b) The administrator of each party state shall furnish to the
20 administrator of each other party state the information or documents
21 reasonably necessary to facilitate the administration of the compact.

22 Sec. 28.37.180. COMPACT AS LAW; WITHDRAWAL PROCEDURE. (a) The
23 compact shall become effective as to any state in which the compact
24 becomes effective as the law of that state.

25 (b) A party state may withdraw from the compact by enacting a
26 statute repealing the compact as the law of the state, but a with-
27 drawal may not take effect until six months after the executive head
28 of the withdrawing state has given notice of the withdrawal to the
29 executive heads of all other party states. Withdrawal does not affect

1 the validity or applicability by the licensing authorities of states
2 remaining party to the compact of any report of conviction occurring
3 before the withdrawal.

4 Sec. 28.37.190. CONSTRUCTION AND VALIDITY; SEVERABILITY. The
5 compact shall be liberally construed so as to effectuate its purposes.
6 The provisions of the compact are severable and if any phrase, clause,
7 sentence, or provision of the compact is declared to be contrary to
8 the constitution of any party state or of the United States or the
9 applicability of it to a government, agency, person or circumstance is
10 held invalid, the validity of the remainder of the compact and the
11 applicability of it to any government, agency, person or circumstance
12 shall not be affected by it. If the compact is held contrary to the
13 constitution of any party state, the compact shall remain in full
14 force and effect as to the remaining states and in full force and
15 effect as to the state affected as to all severable matters.

16 * Sec. 17. AS 28.40.100(a)(19) is amended to read:

17 (19) "vehicular way or area" means a way, path or area,
18 other than a highway [OR PRIVATE PROPERTY], which is designated by
19 official traffic control devices or customary usage and which is open
20 to the public for purposes of pedestrian or vehicular travel [, AND
21 WHICH WAY OR AREA MAY BE RESTRICTED IN USE TO PEDESTRIANS, BICYCLES,
22 OR OTHER SPECIFIC TYPES OF VEHICLES AS DETERMINED BY THE DEPARTMENT OR
23 OTHER AGENCY HAVING JURISDICTION OVER THE WAY, PATH OR AREA].

Offered: 2/18/86
Referred: Rules

Original sponsor: Telford

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 278 (Finance) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to impoundment and registration of
7 motor vehicles; senior citizen motor vehicle tax
8 exemptions; licensing of certain drivers; fees for
9 driver's licenses and permits; refusal to submit to a
10 chemical test for intoxication; and the driver's
11 license compact."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 * Section 1. AS 28.05.091 is amended to read:

14 Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DE-
15 FECTIVELY EQUIPPED VEHICLE]. A motor vehicle that [WHICH] is driven
16 on a highway or vehicular way or area, and that [WHICH] has been
17 determined to be defective in equipment so as to be unsafe for driv-
18 ing, or on which the vehicle identification number has been removed,
19 defaced, or otherwise altered, is an unlawful vehicle and may be
20 impounded by a peace officer or an employee of the department offi-
21 cially designated for that purpose. The owner or person in lawful
22 possession of a vehicle that is driven on a highway or vehicular way
23 or area and that is so defective in equipment as to be unsafe for
24 driving [THE VEHICLE] shall pay the necessary costs of impounding and
25 storing the vehicle. The impounding of a vehicle is in addition to
26 any other penalty. Nothing in this section prevents the driving or
27 moving of a defective vehicle in the manner directed by the peace
28 officer or employee to a place for

29

(1) the correction of a defect in the equipment;

1 (2) dismantling or wrecking; or

2 (3) storage without repair.

3 * Sec. 2. AS 28.05.141(c) is amended to read:

4 (c) If at the hearing under (a) of this section it appears that
5 the record of the person sustains suspension, revocation, limitation,
6 denial, or other remedial action, the hearing officer shall so order
7 and the department may suspend, revoke, limit, deny, or take other
8 remedial action against that person's license, registration, or title
9 and, if appropriate, the department shall adjust the person's point
10 total accumulated under AS 28.15.231.

11 * Sec. 3. AS 28.10.011(11) is repealed and reenacted to read:

12 (11) being driven or moved on a highway, vehicular way, or a
13 public parking place in the state that is not connected by a land
14 highway or vehicular way to

15 (A) the land-connected state highway system, or

16 (B) a highway or vehicular way with an average daily
17 traffic volume greater than 499;

18 * Sec. 4. AS 28.10.051 is amended to read:

19 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.
20 The department may suspend or revoke the registration of a vehicle,
21 the certificate of registration or registration plates for a vehicle,
22 or a special permit when

23 (1) the department determines [IS SATISFIED] that the reg-
24 istration or certificate, plate or permit was fraudulently procured or
25 erroneously issued;

26 (2) the department determines that a registered vehicle is
27 mechanically unsafe to be driven or moved on a highway, vehicular way
28 or area, or other public property in this state and the vehicle has
29 been seized or impounded under AS 28.05.091;

1 (3) a registered vehicle has been scrapped, dismantled or
2 destroyed beyond repair;

3 (4) the department determines that a required fee or tax
4 has not been paid and the fee or tax is not paid upon reasonable
5 notice and demand;

6 (5) a registration plate, permit, or certificate is know-
7 ingly displayed upon a vehicle other than the vehicle for which is-
8 sued;

9 (6) the department determines that the owner of a vehicle
10 has committed an offense under this chapter involving the registration
11 or the certificate, plate, or permit to be suspended or revoked;

12 (7) the vehicle has been reported to the department as
13 stolen or unlawfully converted; or

14 (8) the department is otherwise required to do so under the
15 laws of this state.

16 * Sec. 5. AS 28.10.181 is amended by adding a new subsection to read:

17 (m) Special request plates for Alaska National Guard personnel.
18 Upon application by the owner of a passenger vehicle, noncommercial
19 van or pick-up truck, or motor home who presents satisfactory proof of
20 current membership in the Alaska National Guard, the department may
21 design and issue registration plates that identify the vehicle as
22 registered to a member of the Alaska National Guard. The owner shall
23 return the registration plates to the department within 10 days fol-
24 lowing discharge from the Alaska National Guard.

25 * Sec. 6. AS 28.10.411(c) is amended to read:

26 (c) A resident 65 years of age or older on January 1 of the year
27 the vehicle is registered is entitled to an exemption from the regis-
28 tration fee required [TAX] under this section for one motor vehicle
29 subject to registration under AS 28.10.421(b)(1), (2), (5), or (6).

1 An exemption may not be granted except upon written application for
2 the exemption on a form prescribed by the department.

3 * Sec. 7. AS 28.10.421(d) is amended to read:

4 (d) The special registration fees under this subsection are
5 imposed annually, unless otherwise specified, for:

6 (1) an historic vehicle (one time only upon initial regis-
7 tration under AS 28.10.181).....\$10;

8 (2) special request plates including those authorized for
9 use by Alaska National Guard personnel only..... \$30 [\$20];

10 plus the fee required for that vehicle under (b)(1) or (2) of this
11 section; the fee required by this paragraph shall be collected only on
12 the first issuance and on the replacement of special request plates;

13 (3) a vehicle owned by a disabled veteran or other handi-
14 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65
15 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;

16 (4) a vehicle owned by the state.....none;

17 (5) a vehicle owned by an elected state official.....the
18 fee required for that vehicle under (b) of this section;

19 (6) a vehicle owned by a consular officer, unless waived
20 under AS 28.10.181.....\$30;

21 (7) a vehicle owned by a rancher, farmer, or dairyman and
22 registered under AS 28.10.181.....\$30;

23 (8) a snowmobile or off-highway vehicle.....\$ 5;

24 (9) an amateur mobile radio station vehicle,

25 (A) with a transceiver capable of less than 5-band
26 operation.....the
27 fee required for that vehicle under (b) or (c) of this section;

28 (B) in recognition of service to the public: a mobile
29 amateur radio station owned by an amateur with general class or

1 higher license, provided the station must be satisfactorily
2 proved capable of operating on at least five bands between 160
3 through 10 meters, must have an antenna, and must have a power
4 supply and wiring as a permanent part of the vehicle; the trans-
5 mitting unit may be removed from the car for service or dry
6 storage.....none
7 for a mobile amateur radio station vehicle included in (b)(1) or
8 (2) of this section;

- 9 (10) dealer registration plates,
10 (A) the initial set of plates.....\$40;
11 (B) each subsequent set of plates.....\$20;
12 (11) a vehicle owned by a municipality or charitable orga-
13 nization meeting the requirements of AS 28.10.181(c).....\$ 5;
14 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;
15 (13) a vehicle owned by a former prisoner of war.....none.

16 * Sec. 8. AS 28.15.051(d) is amended to read:

17 (d) The department may issue a special driver's permit to a per-
18 son who is at least 14 years of age with the consent of the person's
19 parents, [OR] guardians, or spouse who is 18 years of age or older,
20 for the purpose of driving a motor-driven cycle. This permit may be
21 issued upon application and successful completion of all prescribed
22 tests and fees, and is valid for the same period of time as a driver's
23 license. The permit is not valid in a municipality that by ordinance
24 prohibits the driving of a motor-driven cycle by a person under the
25 age of 16 years; a borough may adopt the ordinance on a nonareawide
26 basis only, unless the power to adopt it on an areawide basis is
27 acquired under AS 29.35.300 - 29.35.330 or former AS 29.33.250 -
28 29.33.290.

29 * Sec. 9. AS 28.15.071(a) is amended to read:

1 (a) The application of a person under the age of 18 years for an
2 instruction permit or driver's license must be signed by the father,
3 mother, [OR] guardian, or spouse who is 18 years of age or older, or
4 if there is no parent, [OR] guardian, or spouse, then by another re-
5 sponsible adult who is willing to assume the obligation imposed under
6 this section upon a person signing the application. The application
7 must be signed and verified before a person authorized to administer
8 oaths, or be signed in the presence of an authorized representative of
9 the department.

10 * Sec. 10. AS 28.15.071(c) is amended to read:

11 (c) If a minor deposits, or there is deposited on behalf of the
12 minor, proof of financial responsibility for the minor's driving of a
13 motor vehicle, in the form and amount required in AS 28.20, then the
14 department may accept the application of the minor signed as required
15 under (a) of this section, and, while proof of financial responsibil-
16 ity is maintained, the parent, guardian, spouse, or other responsible
17 adult is not subject to the liability imposed under (b) of this sec-
18 tion.

19 * Sec. 11. AS 28.15.171(a) is amended to read:

20 (a) The privilege of driving a motor vehicle on a highway or
21 vehicular way or area of this state given to a person licensed in an-
22 other jurisdiction is subject to suspension, [OR] revocation, or limi-
23 tation by the department or a court in the same manner and for the
24 same reasons as a driver's license issued under this chapter.

25 * Sec. 12. AS 28.15.221(a) is amended to read:

26 (a) For the purpose of identifying habitually reckless or negli-
27 gent drivers and habitual or frequent violators of traffic laws, the
28 commissioner shall adopt regulations establishing a uniform system for
29 the suspension, revocation, limitation or denial of a driver's license

1 or driving privilege by assigning demerit points for convictions for
2 violations of traffic laws which are required to be reported to the
3 department under AS 28.15.191 and AS 28.37.130.

4 * Sec. 13. AS 28.15.231 is amended by adding a new subsection to read:
5 (f) The notice required under (a) of this section may be given
6 by first class mail.

7 * Sec. 14. AS 28.15.271 is amended to read:
8 Sec. 28.15.271. FEES. The fees for drivers' licenses and per-
9 mits, including but not limited to renewals, are as follows:

- 10 (1) all classes of drivers' licenses..... \$10 [\$ 5];
- 11 (2) motor-driven cycles..... \$10 [\$ 2];
- 12 (3) instruction permit..... \$3 [\$ 1];
- 13 (4) duplicate of driver's license or instruction per-
14 mit..... \$3 [\$ 2];
- 15 (5) temporary license and renewal of permit... \$3 [\$ 1];
- 16 (6) school bus driver's permit..... \$3 [\$ 2].

17 * Sec. 15. AS 28.35.032(a) is amended to read:
18 (a) If a person under arrest refuses the request of a law en-
19 forcement officer to submit to a chemical test under AS 28.35.031(a),
20 after being advised by the officer that the refusal will, if that per-
21 son was arrested for [WHILE] operating or driving a motor vehicle for
22 which a driver's license is required, result in the denial or revoca-
23 tion of the license or nonresident privilege to drive, that the refus-
24 al may be used against the person in a civil or criminal action or
25 proceeding arising out of an act alleged to have been committed by the
26 person while operating or driving a motor vehicle or operating an air-
27 craft or a watercraft while intoxicated, and that the refusal is a
28 misdemeanor, a chemical test shall not be given, except as provided by
29 AS 28.35.035.

1 * Sec. 16. AS 28 is amended by adding a new chapter to read:

2 CHAPTER 37. DRIVER LICENSE COMPACT.

3 ARTICLE 1. GENERAL PROVISIONS.

4 Sec. 28.37.010. COMPACT ENACTED. The Driver License Compact is
5 enacted into law and entered into with all other jurisdictions legally
6 joining in it in the form substantially contained in AS 28.37.110 -
7 28.37.190.

8 Sec. 28.37.020. LICENSING AUTHORITY. In this chapter the term
9 "licensing authority" with reference to this state means the division
10 of motor vehicles in the Department of Public Safety. The department
11 shall furnish to the appropriate authority of another party state the
12 information or documents reasonably necessary to facilitate the admin-
13 istration of AS 28.37.130 - 28.37.150.

14 Sec. 28.37.030. EXPENSES OF ADMINISTRATOR. The compact adminis-
15 trator provided for in AS 28.37.170 is not entitled to additional
16 compensation on account of service as the administrator, but is enti-
17 tled to expenses incurred in connection with the duties and responsi-
18 bilities as the administrator, in the same manner as for expenses
19 incurred in connection with other duties or responsibilities of the
20 office or employment.

21 Sec. 28.37.040. EXECUTIVE HEAD. In this chapter, with reference
22 to this state, the term "executive head" means the governor.

23 ARTICLE 2. COMPACT TERMS.

24 Sec. 28.37.110. FINDINGS AND POLICY STATEMENT. (a) The party
25 states find that

26 (1) the safety of their streets and highways is materially
27 affected by the degree of compliance with state laws and local ordi-
28 nances relating to the operation of motor vehicles;

29 (2) violation of a law or ordinance is evidence that the

1 violator engages in conduct that is likely to endanger the safety of
2 persons and property;

3 (3) the continuance in force of a license to drive is
4 predicated upon compliance with laws and ordinances relating to the
5 operation of motor vehicles, in whichever jurisdiction the vehicle is
6 operated.

7 (b) It is the policy of the party states to

8 (1) promote compliance with the laws, ordinances, and
9 administrative regulations relating to the operation of motor vehicles
10 by their drivers in each of the jurisdictions where those drivers
11 operate motor vehicles;

12 (2) make the reciprocal recognition of licenses to drive
13 and eligibility for them more just and equitable by considering the
14 overall compliance with motor vehicle laws, ordinances, and adminis-
15 trative regulations as a condition precedent to the continuance or
16 issuance of a license by reason of which the licensee is authorized or
17 permitted to operate a motor vehicle in the party states.

18 Sec. 28.37.120. COMPACT DEFINITIONS. In this chapter

19 (1) "conviction" means a conviction of an offense related
20 to the use or operation of a motor vehicle that is prohibited by state
21 law, municipal ordinance, or administrative regulation, or a forfei-
22 ture of bail, bond or other security deposited to secure appearance by
23 a person charged with having committed an offense described in this
24 paragraph, and that is required to be reported to the licensing au-
25 thority under AS 28.37.130;

26 (2) "home state" means the state that has issued and has
27 the power to suspend or revoke the use of the license or permit to
28 operate a motor vehicle;

29 (3) "state" means a state, territory, or possession of the

1 United States, the District of Columbia, or the Commonwealth of Puerto
2 Rico.

3 Sec. 28.37.130. REPORTS OF CONVICTIONS. The licensing authority
4 of a party state shall report each conviction of a person from another
5 party state occurring within its jurisdiction to the licensing author-
6 ity of the home state of the licensee. The report shall clearly iden-
7 tify the person convicted; describe the violation specifying the
8 section of the statute, code, or ordinance violated; describe the
9 rights to hearing and due process given the person; identify the court
10 in which action was taken; indicate whether a plea of guilty or not
11 guilty was entered, or the conviction was a result of the forfeiture
12 of bail, bond or other security; and shall include any special
13 findings made in connection with the conviction.

14 Sec. 28.37.140. EFFECT OF CONVICTION IN PARTY STATE. (a) The
15 licensing authority in the home state, for the purposes of suspending,
16 revoking, or limiting the license to operate a motor vehicle, shall
17 give the same effect to the conduct reported under AS 28.37.130 as it
18 would if the conduct had occurred in the home state, in the case of a
19 conviction for

20 (1) manslaughter or negligent homicide resulting from the
21 operation of a motor vehicle;

22 (2) driving a motor vehicle while under the influence of
23 intoxicating liquor or a narcotic drug, or under the influence of any
24 other drug to a degree that renders the driver incapable of safely
25 driving a motor vehicle;

26 (3) any felony in the commission of which a motor vehicle
27 is used;

28 (4) failure to stop and render aid in the event of a motor
29 vehicle accident resulting in the death or personal injury of another.

1 (b) As to another conviction, reported under AS 28.37.130, the
2 licensing authority in the home state shall give the effect to the
3 conduct that is provided by the laws of the home state if the offense
4 constituting the conduct report under AS 28.37.130 has elements simi-
5 lar to those of the home state as defined in the home state at the
6 time the offense constituting the conduct report under AS 28.37.130
7 was committed.

8 (c) If the laws of a party state do not provide for offenses or
9 violations denominated or described in precisely the words employed in
10 (a) of this section, the party state shall construe the denominations
11 and descriptions appearing in (a) of this section as being applicable
12 to and identifying the offenses or violations of a substantially
13 similar nature, and the laws of the party state shall contain the
14 provisions necessary to ensure that full force and effect is given to
15 this section.

16 (d) For the conduct reported under AS 28.37.130 to be given the
17 same effect as if the conduct had occurred in the home state, the
18 person must have been guaranteed substantially the same rights to
19 hearing and due process as required by the home state in prosecuting
20 an offense that has elements similar to the conduct reported under
21 AS 28.37.130

22 Sec. 28.37.150. GROUNDS REQUIRING REFUSAL TO ISSUE LICENSE.
23 Upon application for a license to drive, the licensing authority in a
24 party state shall ascertain whether the applicant has ever held, or is
25 the holder of a license to drive issued by another party state. The
26 licensing authority in the state where application is made may not
27 issue a license to drive to the applicant if

28 (1) the applicant has held a license, but the license has
29 been suspended by reason, in whole or in part, of a violation, and the

1 suspension period has not terminated;

2 (2) the applicant has held a license, but the license has
3 been revoked by reason, in whole or in part, of a violation, and the
4 revocation has not terminated; except that after the expiration of one
5 year from the date the license was revoked, the person may make appli-
6 cation for a new license if permitted by law; the licensing authority
7 may refuse to issue a license to an applicant if, after investigation,
8 the licensing authority determines that it will not be safe to grant
9 to the person the privilege of driving a motor vehicle on the public
10 highways;

11 (3) the applicant is the holder of a license to drive
12 issued by another party state and currently in force, unless the
13 applicant surrenders the license.

14 Sec. 28.37.160. APPLICATION OF OTHER STATE LAWS. Except as
15 expressly required by provisions of this chapter, nothing in this
16 chapter shall be construed to affect the right of a party state to
17 apply any of its other laws relating to licenses to drive to any
18 person or circumstance, nor to invalidate or prevent any driver li-
19 cense agreement or other cooperative arrangement between a party state
20 and a nonparty state.

21 Sec. 28.37.170. ADMINISTRATOR OF COMPACT. (a) The head of the
22 licensing authority of each party state shall be the administrator of
23 the compact for that state. The administrators of all party states,
24 acting jointly, shall have the power to formulate all necessary and
25 proper procedures for the exchange of information under this compact.

26 (b) The administrator of each party state shall furnish to the
27 administrator of each other party state the information or documents
28 reasonably necessary to facilitate the administration of the compact.

29 Sec. 28.37.180. COMPACT AS LAW; WITHDRAWAL PROCEDURE. (a) The

1 compact shall become effective as to any state in which the compact
2 becomes effective as the law of that state.

3 (b) A party state may withdraw from the compact by enacting a
4 statute repealing the compact as the law of the state, but a with-
5 drawal may not take effect until six months after the executive head
6 of the withdrawing state has given notice of the withdrawal to the
7 executive heads of all other party states. Withdrawal does not affect
8 the validity or applicability by the licensing authorities of states
9 remaining party to the compact of any report of conviction occurring
10 before the withdrawal.

11 Sec. 28.37.190. CONSTRUCTION AND VALIDITY; SEVERABILITY. The
12 compact shall be liberally construed so as to effectuate its purposes.
13 The provisions of the compact are severable and if any phrase, clause,
14 sentence, or provision of the compact is declared to be contrary to
15 the constitution of any party state or of the United States or the
16 applicability of it to a government, agency, person or circumstance is
17 held invalid, the validity of the remainder of the compact and the
18 applicability of it to any government, agency, person or circumstance
19 shall not be affected by it. If the compact is held contrary to the
20 constitution of any party state, the compact shall remain in full
21 force and effect as to the remaining states and in full force and
22 effect as to the state affected as to all severable matters.

23 * Sec. 17. AS 28.40.100(a)(19) is amended to read:

24 (19) "vehicular way or area" means a way, path or area,
25 other than a highway [OR PRIVATE PROPERTY], which is designated by
26 official traffic control devices or customary usage and which is open
27 to the public for purposes of pedestrian or vehicular travel [, AND
28 WHICH WAY OR AREA MAY BE RESTRICTED IN USE TO PEDESTRIANS, BICYCLES,
29 OR OTHER SPECIFIC TYPES OF VEHICLES AS DETERMINED BY THE DEPARTMENT OR

1 OTHER AGENCY HAVING JURISDICTION OVER THE WAY, PATH OR AREA].

Offered: 2/18/86
Referred: Rules

Original sponsor: Halford

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 278 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to impoundment and registration of
7 motor vehicles; senior citizen motor vehicle tax
8 exemptions; licensing of certain drivers; fees for
9 driver's licenses and permits; refusal to submit to a
10 chemical test for intoxication; and the driver's
11 license compact."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 * Section 1. AS 28.05.091 is amended to read:

14 Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DE-
15 FECTIVELY EQUIPPED VEHICLE]. A motor vehicle that [WHICH] is driven
16 on a highway or vehicular way or area, and that [WHICH] has been
17 determined to be defective in equipment so as to be unsafe for driv-
18 ing, or on which the vehicle identification number has been removed,
19 defaced, or otherwise altered, is an unlawful vehicle and may be
20 impounded by a peace officer or an employee of the department offi-
21 cially designated for that purpose. The owner or person in lawful
22 possession of a vehicle that is driven on a highway or vehicular way
23 or area and that is so defective in equipment as to be unsafe for
24 driving [THE VEHICLE] shall pay the necessary costs of impounding and
25 storing the vehicle. The impounding of a vehicle is in addition to
26 any other penalty. Nothing in this section prevents the driving or
27 moving of a defective vehicle in the manner directed by the peace
28 officer or employee to a place for:

29

(1) the correction of a defect in the equipment;

- 1 (2) dismantling or wrecking; or
2 (3) storage without repair.

3 * Sec. 2. AS 28.05.141(c) is amended to read:

4 (c) If at the hearing under (a) of this section it appears that
5 the record of the person sustains suspension, revocation, limitation,
6 denial, or other remedial action, the hearing officer shall so order
7 and the department may suspend, revoke, limit, deny, or take other
8 remedial action against that person's license, registration, or title
9 and, if appropriate, the department shall adjust the person's point
10 total accumulated under AS 28.15.231.

11 * Sec. 3. AS 28.10.011 is amended to read:

12 Sec. 28.10.011. VEHICLES SUBJECT TO REGISTRATION. Every vehicle
13 driven, moved, or parked upon a highway or other public parking place
14 in the state shall be registered under this chapter except when the
15 vehicle is

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

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

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

22 (4) owned by the United States;

23 (5) moved by human or animal power;

24 (6) exempt under 50 U.S.C. App. 501-591 (Soldier's and
25 Sailor's Civil Relief Act);

26 (7) driven or parked only on private property;

27 (8) the vehicle of a nonresident as provided under
28 AS 28.10.121;

29 (9) a commercial interstate vehicle under AS 28.10.141;

- 1 (10) transported under a special permit under AS 28.10.151;
2 (11) driven or moved on a highway or vehicular way not
3 maintained primarily by the state and not connected by land to the
4 state highway system established under AS 19.10.020;
5 (12) a mobile home as defined by regulation.

6 * Sec. 4. AS 28.10.051 is amended to read:

7 Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION.

8 The department may suspend or revoke the registration of a vehicle,
9 the certificate of registration or registration plates for a vehicle,
10 or a special permit when

11 (1) the department determines [IS SATISFIED] that the reg-
12 istration or certificate, plate or permit was fraudulently procured or
13 erroneously issued;

14 (2) the department determines that a registered vehicle is
15 mechanically unsafe to be driven or moved on a highway, vehicular way
16 or area, or other public property in this state and the vehicle has
17 been seized or impounded under AS 28.05.091;

18 (3) a registered vehicle has been scrapped, dismantled or
19 destroyed beyond repair;

20 (4) the department determines that a required fee or tax
21 has not been paid and the fee or tax is not paid upon reasonable
22 notice and demand;

23 (5) a registration plate, permit, or certificate is know-
24 ingly displayed upon a vehicle other than the vehicle for which is-
25 sued;

26 (6) the department determines that the owner of a vehicle
27 has committed an offense under this chapter involving the registration
28 or the certificate, plate, or permit to be suspended or revoked;

29 (7) the vehicle has been reported to the department as

1 stolen or unlawfully converted; or

2 (8) the department is otherwise required to do so under the
3 laws of this state.

4 * Sec. 5. AS 28.10.181 is amended by adding a new subsection to read:

5 (m) Special request plates for Alaska National Guard personnel.
6 Upon application by the owner of a passenger vehicle, noncommercial
7 van or pick-up truck, or motor home who presents satisfactory proof of
8 current membership in the Alaska National Guard, the department may
9 design and issue registration plates that identify the vehicle as
10 registered to a member of the Alaska National Guard. The owner shall
11 return the registration plates to the department within 10 days fol-
12 lowing discharge from the Alaska National Guard.

13 * Sec. 6. AS 28.10.411(c) is amended to read:

14 (c) A resident 65 years of age or older on January 1 of the year
15 the vehicle is registered is entitled to an exemption from the
16 registration fee required [TAX] under this section for one motor vehi-
17 cle subject to registration under AS 28.10.421(b)(1), (2), (5), or
18 (6). An exemption may not be granted except upon written application
19 for the exemption on a form prescribed by the department.

20 * Sec. 7. AS 28.10.421(d) is amended to read:

21 (d) The special registration fees under this subsection are
22 imposed annually, unless otherwise specified, for:

23 (1) an historic vehicle (one time only upon initial regis-
24 tration under AS 28.10.181).....\$10;

25 (2) special request plates including those authorized for
26 use by Alaska National Guard personnel only..... \$30 [\$20];
27 plus the fee required for that vehicle under (b)(1) or (2) of this
28 section; the fee required by this paragraph shall be collected only on
29 the first issuance and on the replacement of special request plates;

- 1 (3) a vehicle owned by a disabled veteran or other handi-
2 capped person, and registered under AS 28.10.181 [OR A RESIDENT 65
3 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;
4 (4) a vehicle owned by the state.....none;
5 (5) a vehicle owned by an elected state official.....the
6 fee required for that vehicle under (b) of this section;
7 (6) a vehicle owned by a consular officer, unless waived
8 under AS 28.10.181.....\$30;
9 (7) a vehicle owned by a rancher, farmer, or dairyman and
10 registered under AS 28.10.181.....\$30;
11 (8) a snowmobile or off-highway vehicle.....\$ 5;
12 (9) an amateur mobile radio station vehicle,
13 (A) with a transceiver capable of less than 5-band
14 operation.....the
15 fee required for that vehicle under (b) or (c) of this section;
16 (B) in recognition of service to the public: a mobile
17 amateur radio station owned by an amateur with general class or
18 higher license, provided the station must be satisfactorily
19 proved capable of operating on at least five bands between 160
20 through 10 meters, must have an antenna, and must have a power
21 supply and wiring as a permanent part of the vehicle; the trans-
22 mitting unit may be removed from the car for service or dry
23 storage.....none
24 for a mobile amateur radio station vehicle included in (b)(1) or
25 (2) of this section;
26 (10) dealer registration plates,
27 (A) the initial set of plates.....\$40;
28 (B) each subsequent set of plates.....\$20;
29 (11) a vehicle owned by a municipality or charitable orga-

- 1 nization meeting the requirements of AS 28.10.181(c).....\$ 5;
2 (12) an occasional use vehicle under AS 28.10.181(k)....\$15;
3 (13) a vehicle owned by a former prisoner of war.....none.

4 * Sec. 8. AS 28.15.051(d) is amended to read:

5 (d) The department may issue a special driver's permit to a
6 person who is at least 14 years of age with the consent of the
7 person's parents, [OR] guardians, or spouse who is 18 years of age or
8 older, for the purpose of driving a motor-driven cycle. This permit
9 may be issued upon application and successful completion of all
10 prescribed tests and fees, and is valid for the same period of time as
11 a driver's license. The permit is not valid in a municipality that by
12 ordinance prohibits the driving of a motor-driven cycle by a person
13 under the age of 16 years; a borough may adopt the ordinance on a
14 nonareawide basis only, unless the power to adopt it on an areawide
15 basis is acquired under AS 29.35.300 - 29.35.330 or former
16 AS 29.33.250 - 29.33.290.

17 * Sec. 9. AS 28.15.071(a) is amended to read:

18 (a) The application of a person under the age of 18 years for an
19 instruction permit or driver's license must be signed by the father,
20 mother, [OR] guardian, or spouse who is 18 years of age or older, or
21 if there is no parent, [OR] guardian, or spouse, then by another re-
22 sponsible adult who is willing to assume the obligation imposed under
23 this section upon a person signing the application. The application
24 must be signed and verified before a person authorized to administer
25 oaths, or be signed in the presence of an authorized representative of
26 the department.

27 * Sec. 10. AS 28.15.071(c) is amended to read:

28 (c) If a minor deposits, or there is deposited on behalf of the
29 minor, proof of financial responsibility for the minor's driving of a

1 motor vehicle, in the form and amount required in AS 28.20, then the
2 department may accept the application of the minor signed as required
3 under (a) of this section, and, while proof of financial responsibil-
4 ity is maintained, the parent, guardian, spouse, or other responsible
5 adult is not subject to the liability imposed under (b) of this
6 section.

7 * Sec. 11. AS 28.15.171(a) is amended to read:

8 (a) The privilege of driving a motor vehicle on a highway or
9 vehicular way or area of this state given to a person licensed in an-
10 other jurisdiction is subject to suspension, [OR] revocation, or limi-
11 tation by the department or a court in the same manner and for the
12 same reasons as a driver's license issued under this chapter.

13 * Sec. 12. AS 28.15.221(a) is amended to read:

14 (a) For the purpose of identifying habitually reckless or negli-
15 gent drivers and habitual or frequent violators of traffic laws, the
16 commissioner shall adopt regulations establishing a uniform system for
17 the suspension, revocation, limitation or denial of a driver's license
18 or driving privilege by assigning demerit points for convictions for
19 violations of traffic laws which are required to be reported to the
20 department under AS 28.15.191 and AS 28.37.130.

21 * Sec. 13. AS 28.15.231 is amended by adding a new subsection to read:

22 (f) The notice required under (a) of this section may be given
23 by first class mail.

24 * Sec. 14. AS 28.15.271 is amended to read:

25 Sec. 28.15.271. FEES. The fees for drivers' licenses and per-
26 mits, including but not limited to renewals, are as follows:

- 27 (1) all classes of drivers' licenses..... \$10 [\$ 5];
28 (2) motor-driven cycles..... \$10 [\$ 2];
29 (3) instruction permit..... \$3 [\$ 1];

- 1 (4) duplicate of driver's license or instruction per-
2 mit..... \$3 [\$ 2];
3 (5) temporary license and renewal of permit... \$3 [\$ 1];
4 (6) school bus driver's permit..... \$3 [\$ 2].

5 * Sec. 15. AS 28.35.032(a) is amended to read:

6 (a) If a person under arrest refuses the request of a law en-
7 forcement officer to submit to a chemical test under AS 28.35.031(a),
8 after being advised by the officer that the refusal will, if that per-
9 son was arrested for [WHILE] operating or driving a motor vehicle for
10 which a driver's license is required, result in the denial or revoca-
11 tion of the license or nonresident privilege to drive, that the refus-
12 al may be used against the person in a civil or criminal action or
13 proceeding arising out of an act alleged to have been committed by the
14 person while operating or driving a motor vehicle or operating an air-
15 craft or a watercraft while intoxicated, and that the refusal is a
16 misdemeanor, a chemical test shall not be given, except as provided by
17 AS 28.35.035.

18 * Sec. 16. AS 28 is amended by adding a new chapter to read:

19 CHAPTER 37. DRIVER LICENSE COMPACT.

20 ARTICLE 1. GENERAL PROVISIONS.

21 Sec. 28.37.010. COMPACT ENACTED. The Driver License Compact is
22 enacted into law and entered into with all other jurisdictions legally
23 joining in it in the form substantially contained in AS 28.37.110 -
24 28.37.190.

25 Sec. 28.37.020. LICENSING AUTHORITY. In this chapter the term
26 "licensing authority" with reference to this state means the division
27 of motor vehicles in the Department of Public Safety. The department
28 shall furnish to the appropriate authority of another party state the
29 information or documents reasonably necessary to facilitate the admin-

1 istration of AS 28.37.130 - 28.37.150.

2 Sec. 28.37.030. EXPENSES OF ADMINISTRATOR. The compact adminis-
3 trator provided for in AS 28.37.170 is not entitled to additional
4 compensation on account of service as the administrator, but is enti-
5 tled to expenses incurred in connection with the duties and res-
6 ponsibilities as the administrator, in the same manner as for expenses
7 incurred in connection with other duties or responsibilities of the
8 office or employment.

9 Sec. 28.37.040. EXECUTIVE HEAD. In this chapter, with reference
10 to this state, the term "executive head" means the governor.

11 ARTICLE 2. COMPACT TERMS.

12 Sec. 28.37.110. FINDINGS AND POLICY STATEMENT. (a) The party
13 states find that

14 (1) the safety of their streets and highways is materially
15 affected by the degree of compliance with state laws and local ordi-
16 nances relating to the operation of motor vehicles;

17 (2) violation of a law or ordinance is evidence that the
18 violator engages in conduct that is likely to endanger the safety of
19 persons and property;

20 (3) the continuance in force of a license to drive is
21 predicated upon compliance with laws and ordinances relating to the
22 operation of motor vehicles, in whichever jurisdiction the vehicle is
23 operated.

24 (b) It is the policy of the party states to

25 (1) promote compliance with the laws, ordinances, and
26 administrative regulations relating to the operation of motor vehicles
27 by their drivers in each of the jurisdictions where those drivers
28 operate motor vehicles;

29 (2) make the reciprocal recognition of licenses to drive

1 and eligibility for them more just and equitable by considering the
2 overall compliance with motor vehicle laws, ordinances, and adminis-
3 trative regulations as a condition precedent to the continuance or
4 issuance of a license by reason of which the licensee is authorized or
5 permitted to operate a motor vehicle in the party states.

6 Sec. 28.37.120. COMPACT DEFINITIONS. In this chapter

7 (1) "conviction" means a conviction of an offense related
8 to the use or operation of a motor vehicle that is prohibited by state
9 law, municipal ordinance, or administrative regulation, or a forfei-
10 ture of bail, bond or other security deposited to secure appearance by
11 a person charged with having committed an offense described in this
12 paragraph, and that is required to be reported to the licensing au-
13 thority under AS 28.37.130;

14 (2) "home state" means the state that has issued and has
15 the power to suspend or revoke the use of the license or permit to
16 operate a motor vehicle;

17 (3) "state" means a state, territory, or possession of the
18 United States, the District of Columbia, or the Commonwealth of Puerto
19 Rico.

20 Sec. 28.37.130. REPORTS OF CONVICTIONS. The licensing authority
21 of a party state shall report each conviction of a person from another
22 party state occurring within its jurisdiction to the licensing author-
23 ity of the home state of the licensee. The report shall clearly iden-
24 tify the person convicted; describe the violation specifying the
25 section of the statute, code, or ordinance violated; identify the
26 court in which action was taken; indicate whether a plea of guilty or
27 not guilty was entered, or the conviction was a result of the forfei-
28 ture of bail, bond or other security; and shall include any special
29 findings made in connection with the conviction.

1 Sec. 28.37.140. EFFECT OF CONVICTION IN PARTY STATE. (a) The
2 licensing authority in the home state, for the purposes of suspending,
3 revoking, or limiting the license to operate a motor vehicle, shall
4 give the same effect to the conduct reported under AS 28.37.130 as it
5 would if the conduct had occurred in the home state, in the case of a
6 conviction for

7 (1) manslaughter or negligent homicide resulting from the
8 operation of a motor vehicle;

9 (2) driving a motor vehicle while under the influence of
10 intoxicating liquor or a narcotic drug, or under the influence of any
11 other drug to a degree that renders the driver incapable of safely
12 driving a motor vehicle;

13 (3) any felony in the commission of which a motor vehicle
14 is used;

15 (4) failure to stop and render aid in the event of a motor
16 vehicle accident resulting in the death or personal injury of another.

17 (b) As to another conviction, reported under AS 28.37.130, the
18 licensing authority in the home state shall give the effect to the
19 conduct that is provided by the laws of the home state.

20 (c) If the laws of a party state do not provide for offenses or
21 violations denominated or described in precisely the words employed in
22 (a) of this section, the party state shall construe the denominations
23 and descriptions appearing in (a) of this section as being applicable
24 to and identifying the offenses or violations of a substantially
25 similar nature, and the laws of the party state shall contain the
26 provisions necessary to ensure that full force and effect is given to
27 this section.

28 Sec. 28.37.150. GROUNDS REQUIRING REFUSAL TO ISSUE LICENSE.
29 Upon application for a license to drive, the licensing authority in a

1 party state shall ascertain whether the applicant has ever held, or is
2 the holder of a license to drive issued by another party state. The
3 licensing authority in the state where application is made may not
4 issue a license to drive to the applicant if

5 (1) the applicant has held a license, but the license has
6 been suspended by reason, in whole or in part, of a violation, and the
7 suspension period has not terminated;

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

17 (3) the applicant is the holder of a license to drive
18 issued by another party state and currently in force, unless the
19 applicant surrenders the license.

20 Sec. 28.37.160. APPLICATION OF OTHER STATE LAWS. Except as
21 expressly required by provisions of this chapter, nothing in this
22 chapter shall be construed to affect the right of a party state to
23 apply any of its other laws relating to licenses to drive to any
24 person or circumstance, nor to invalidate or prevent any driver li-
25 cense agreement or other cooperative arrangement between a party state
26 and a nonparty state.

27 Sec. 28.37.170. ADMINISTRATOR OF COMPACT. (a) The head of the
28 licensing authority of each party state shall be the administrator of
29 the compact for that state. The administrators of all party states,

1 acting jointly, shall have the power to formulate all necessary and
2 proper procedures for the exchange of information under this compact.

3 (b) The administrator of each party state shall furnish to the
4 administrator of each other party state the information or documents
5 reasonably necessary to facilitate the administration of the compact.

6 Sec. 28.37.180. COMPACT AS LAW; WITHDRAWAL PROCEDURE. (a) The
7 compact shall become effective as to any state in which the compact
8 becomes effective as the law of that state.

9 (b) A party state may withdraw from the compact by enacting a
10 statute repealing the compact as the law of the state, but a with-
11 drawal may not take effect until six months after the executive head
12 of the withdrawing state has given notice of the withdrawal to the
13 executive heads of all other party states. Withdrawal does not affect
14 the validity or applicability by the licensing authorities of states
15 remaining party to the compact of any report of conviction occurring
16 before the withdrawal.

17 Sec. 28.37.190. CONSTRUCTION AND VALIDITY; SEVERABILITY. The
18 compact shall be liberally construed so as to effectuate its purposes.
19 The provisions of the compact are severable and if any phrase, clause,
20 sentence, or provision of the compact is declared to be contrary to
21 the constitution of any party state or of the United States or the
22 applicability of it to a government, agency, person or circumstance is
23 held invalid, the validity of the remainder of the compact and the
24 applicability of it to any government, agency, person or circumstance
25 shall not be affected by it. If the compact is held contrary to the
26 constitution of any party state, the compact shall remain in full
27 force and effect as to the remaining states and in full force and
28 effect as to the state affected as to all severable matters.

29 * Sec. 17. AS 28.40.100(a)(19) is amended to read:

1 (19) "vehicular way or area" means a way, path or area,
2 other than a highway [OR PRIVATE PROPERTY], which is designated by
3 official traffic control devices or customary usage and which is open
4 to the public for purposes of pedestrian or vehicular travel [, AND
5 WHICH WAY OR AREA MAY BE RESTRICTED IN USE TO PEDESTRIANS, BICYCLES,
6 OR OTHER SPECIFIC TYPES OF VEHICLES AS DETERMINED BY THE DEPARTMENT OR
7 OTHER AGENCY HAVING JURISDICTION OVER THE WAY, PATH OR AREA].

Offered: 5/1/85
Referred: Finance

Original sponsor: Halford

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 278 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the driver license compact and
7 driver license fees."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 28.15.221(a) is amended to read:

10 (a) For the purpose of identifying habitually reckless or negli-
11 gent drivers and habitual or frequent violators of traffic laws, the
12 commissioner shall adopt regulations establishing a uniform system for
13 the suspension, revocation, limitation or denial of a driver's license
14 or driving privilege by assigning demerit points for convictions for
15 violations of traffic laws which are required to be reported to the
16 department under AS 28.15.191 and AS 28.37.130.

17 * Sec. 2. AS 28.15.271 is amended to read:

18 Sec. 28.15.271. FEES. The fees for drivers' licenses and per-
19 mits, including but not limited to renewals, are as follows:

- 20 (1) all classes of drivers' licenses..... \$10 [\$ 5];
21 (2) motor-driven cycles..... \$10 [\$ 2];
22 (3) instruction permit..... \$3 [\$ 1];
23 (4) duplicate of driver's license or instruction per-
24 mit..... \$3 [\$ 2];
25 (5) temporary license and renewal of permit... \$3 [\$ 1];
26 (6) school bus driver's permit..... \$3 [\$ 2].

27 * Sec. 3. AS 28 is amended by adding a new chapter to read:

28 CHAPTER 37. DRIVER LICENSE COMPACT.
29 ARTICLE 1. GENERAL PROVISIONS.

1 Sec. 28.37.010. COMPACT ENACTED. The Driver License Compact is
2 enacted into law and entered into with all other jurisdictions legally
3 joining in it in the form substantially contained in AS 28.37.110 -
4 28.37.190.

5 Sec. 28.37.020. LICENSING AUTHORITY. In this chapter the term
6 "licensing authority" with reference to this state means the division
7 of motor vehicles in the Department of Public Safety. The department
8 shall furnish to the appropriate authority of another party state the
9 information or documents reasonably necessary to facilitate the admin-
10 istration of AS 28.37.130 - 28.37.150.

11 Sec. 28.37.030. EXPENSES OF ADMINISTRATOR. The compact adminis-
12 trator provided for in AS 28.37.170 is not entitled to additional
13 compensation on account of service as the administrator, but is enti-
14 tled to expenses incurred in connection with the duties and responsi-
15 bilities as the administrator, in the same manner as for expenses
16 incurred in connection with other duties or responsibilities of the
17 office or employment.

18 Sec. 28.37.040. EXECUTIVE HEAD. In this chapter, with reference
19 to this state, the term "executive head" means the governor.

20 ARTICLE 2. COMPACT TERMS.

21 Sec. 28.37.110. FINDINGS AND POLICY STATEMENT. (a) The party
22 states find that

23 (1) the safety of their streets and highways is materially
24 affected by the degree of compliance with state laws and local ordi-
25 nances relating to the operation of motor vehicles;

26 (2) violation of a law or ordinance is evidence that the
27 violator engages in conduct that is likely to endanger the safety of
28 persons and property;

29 (3) the continuance in force of a license to drive is

1 predicated upon compliance with laws and ordinances relating to the
2 operation of motor vehicles, in whichever jurisdiction the vehicle is
3 operated.

4 (b) It is the policy of the party states to

5 (1) promote compliance with the laws, ordinances, and
6 administrative regulations relating to the operation of motor vehicles
7 by their drivers in each of the jurisdictions where those drivers
8 operate motor vehicles;

9 (2) make the reciprocal recognition of licenses to drive
10 and eligibility for them more just and equitable by considering the
11 overall compliance with motor vehicle laws, ordinances, and adminis-
12 trative regulations as a condition precedent to the continuance or
13 issuance of a license by reason of which the licensee is authorized or
14 permitted to operate a motor vehicle in the party states.

15 Sec. 28.37.120. COMPACT DEFINITIONS. In this chapter

16 (1) "conviction" means a conviction of an offense related
17 to the use or operation of a motor vehicle that is prohibited by state
18 law, municipal ordinance, or administrative regulation, or a forfei-
19 ture of bail, bond or other security deposited to secure appearance by
20 a person charged with having committed an offense described in this
21 paragraph, and that is required to be reported to the licensing au-
22 thority under AS 28.37.130;

23 (2) "home state" means the state that has issued and has
24 the power to suspend or revoke the use of the license or permit to
25 operate a motor vehicle;

26 (3) "state" means a state, territory, or possession of the
27 United States, the District of Columbia, or the Commonwealth of Puerto
28 Rico.

29 Sec. 28.37.130. REPORTS OF CONVICTIONS. The licensing authority

1 of a party state shall report each conviction of a person from another
2 party state occurring within its jurisdiction to the licensing author-
3 ity of the home state of the licensee. The report shall clearly iden-
4 tify the person convicted; describe the violation specifying the
5 section of the statute, code, or ordinance violated; identify the
6 court in which action was taken; indicate whether a plea of guilty or
7 not guilty was entered, or the conviction was a result of the forfei-
8 ture of bail, bond or other security; and shall include any special
9 findings made in connection with the conviction.

10 Sec. 28.37.140. EFFECT OF CONVICTION IN PARTY STATE. (a) The
11 licensing authority in the home state, for the purposes of suspending,
12 revoking, or limiting the license to operate a motor vehicle, shall
13 give the same effect to the conduct reported under AS 28.37.130 as it
14 would if the conduct had occurred in the home state, in the case of a
15 conviction for

16 (1) manslaughter or negligent homicide resulting from the
17 operation of a motor vehicle;

18 (2) driving a motor vehicle while under the influence of
19 intoxicating liquor or a narcotic drug, or under the influence of any
20 other drug to a degree that renders the driver incapable of safely
21 driving a motor vehicle;

22 (3) any felony in the commission of which a motor vehicle
23 is used;

24 (4) failure to stop and render aid in the event of a motor
25 vehicle accident resulting in the death or personal injury of another.

26 (b) As to another conviction, reported under AS 28.37.130, the
27 licensing authority in the home state shall give the effect to the
28 conduct that is provided by the laws of the home state.

29 (c) If the laws of a party state do not provide for offenses or

1 violations denominated or described in precisely the words employed in
2 (a) of this section, the party state shall construe the denominations
3 and descriptions appearing in (a) of this section as being applicable
4 to and identifying the offenses or violations of a substantially
5 similar nature, and the laws of the party state shall contain the
6 provisions necessary to ensure that full force and effect is given to
7 this section.

8 Sec. 28.37.150. GROUNDS REQUIRING REFUSAL TO ISSUE LICENSE.
9 Upon application for a license to drive, the licensing authority in a
10 party state shall ascertain whether the applicant has ever held, or is
11 the holder of a license to drive issued by another party state. The
12 licensing authority in the state where application is made may not
13 issue a license to drive to the applicant if

14 (1) the applicant has held a license, but the license has
15 been suspended by reason, in whole or in part, of a violation, and the
16 suspension period has not terminated;

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

26 (3) the applicant is the holder of a license to drive
27 issued by another party state and currently in force, unless the
28 applicant surrenders the license.

29 Sec. 28.37.160. APPLICATION OF OTHER STATE LAWS. Except as

1 expressly required by provisions of this chapter, nothing in this
2 chapter shall be construed to affect the right of a party state to
3 apply any of its other laws relating to licenses to drive to any
4 person or circumstance, nor to invalidate or prevent any driver li-
5 cense agreement or other cooperative arrangement between a party state
6 and a nonparty state.

7 Sec. 28.37.170. ADMINISTRATOR OF COMPACT. (a) The head of the
8 licensing authority of each party state shall be the administrator of
9 the compact for that state. The administrators of all party states,
10 acting jointly, shall have the power to formulate all necessary and
11 proper procedures for the exchange of information under this compact.

12 (b) The administrator of each party state shall furnish to the
13 administrator of each other party state the information or documents
14 reasonably necessary to facilitate the administration of the compact.

15 Sec. 28.37.180. COMPACT AS LAW; WITHDRAWAL PROCEDURE. (a) The
16 compact shall become effective as to any state in which the compact
17 becomes effective as the law of that state.

18 (b) A party state may withdraw from the compact by enacting a
19 statute repealing the compact as the law of the state, but a with-
20 drawal may not take effect until six months after the executive head
21 of the withdrawing state has given notice of the withdrawal to the
22 executive heads of all other party states. Withdrawal does not affect
23 the validity or applicability by the licensing authorities of states
24 remaining party to the compact of any report of conviction occurring
25 before the withdrawal.

26 Sec. 28.37.190. CONSTRUCTION AND VALIDITY; SEVERABILITY. The
27 compact shall be liberally construed so as to effectuate its purposes.
28 The provisions of the compact are severable and if any phrase, clause,
29 sentence, or provision of the compact is declared to be contrary to

1 the constitution of any party state or of the United States or the
2 applicability of it to a government, agency, person or circumstance is
3 held invalid, the validity of the remainder of the compact and the
4 applicability of it to any government, agency, person or circumstance
5 shall not be affected by it. If the compact is held contrary to the
6 constitution of any party state, the compact shall remain in full
7 force and effect as to the remaining states and in full force and
8 effect as to the state affected as to all severable matters.

Introduced: 4/11/85
Referred: State Affairs
and Finance

1 IN THE SENATE

BY HALFORD

2

SENATE BILL NO. 278

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the driver license compact."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 28 is amended by adding a new chapter to read:

9

CHAPTER 37. DRIVER LICENSE COMPACT.

10

ARTICLE 1. GENERAL PROVISIONS.

11

12 Sec. 28.37.010. COMPACT ENACTED. The Driver License Compact is
13 enacted into law and entered into with all other jurisdictions legally
14 joining in it in the form substantially contained in AS 28.37.110 -
28.37.190.

15

16 Sec. 28.37.020. LICENSING AUTHORITY. In this chapter the term
17 "licensing authority" with reference to this state means the division
18 of motor vehicles in the Department of Public Safety. The department
19 shall furnish to the appropriate authority of another party state the
20 information or documents reasonably necessary to facilitate the
administration of AS 28.37.130 - 28.37.150.

21

22 Sec. 28.37.030. EXPENSES OF ADMINISTRATOR. The compact adminis-
23 trator provided for in AS 28.37.170 is not entitled to additional
24 compensation on account of service as the administrator, but is
25 entitled to expenses incurred in connection with the duties and
26 responsibilities as the administrator, in the same manner as for
27 expenses incurred in connection with other duties or responsibilities
of the office or employment.

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29 Sec. 28.37.040. EXECUTIVE HEAD. In this chapter, with reference
to this state, the term "executive head" means the governor.

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ARTICLE 2. COMPACT TERMS.

Sec. 28.37.110. FINDINGS AND POLICY STATEMENT. (a) The party states find that

(1) the safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles;

(2) violation of a law or ordinance is evidence that the violator engages in conduct that is likely to endanger the safety of persons and property;

(3) the continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of the party states to

(1) promote compliance with the laws, ordinances, and administrative regulations relating to the operation of motor vehicles by their drivers in each of the jurisdictions where those drivers operate motor vehicles;

(2) make the reciprocal recognition of licenses to drive and eligibility for them more just and equitable by considering the overall compliance with motor vehicle laws, ordinances, and administrative regulations as a condition precedent to the continuance or issuance of a license by reason of which the licensee is authorized or permitted to operate a motor vehicle in the party states.

Sec. 28.37.120. COMPACT DEFINITIONS. In this chapter

(1) "conviction" means a conviction of an offense related to the use or operation of a motor vehicle that is prohibited by state law, municipal ordinance, or administrative regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by

1 a person charged with having committed an offense, and which conviction
2 tion or forfeiture is required to be reported to the licensing authority;
3 ity;

4 (2) "home state" means the state that has issued and has
5 the power to suspend or revoke the use of the license or permit to
6 operate a motor vehicle;

7 (3) "state" means a state, territory, or possession of the
8 United States, the District of Columbia, or the Commonwealth of Puerto
9 Rico.

10 Sec. 28.37.130. REPORTS OF CONVICTIONS. The licensing authority
11 of a party state shall report each conviction of a person from another
12 party state occurring within its jurisdiction to the licensing authority
13 of the home state of the licensee. The report shall clearly identify
14 the person convicted; describe the violation specifying the
15 section of the statute, code, or ordinance violated; identify the
16 court in which action was taken; indicate whether a plea of guilty or
17 not guilty was entered, or the conviction was a result of the forfeiture
18 of bail, bond or other security; and shall include any special
19 findings made in connection with the conviction.

20 Sec. 28.37.140. EFFECT OF CONVICTION IN PARTY STATE. (a) The
21 licensing authority in the home state, for the purposes of suspending,
22 revoking, or limiting the license to operate a motor vehicle, shall
23 give the same effect to the conduct reported under AS 28.37.130 as it
24 would if the conduct had occurred in the home state, in the case of a
25 conviction for

26 (1) manslaughter or negligent homicide resulting from the
27 operation of a motor vehicle;

28 (2) driving a motor vehicle while under the influence of
29 intoxicating liquor or a narcotic drug, or under the influence of any

1 other drug to a degree that renders the driver incapable of safely
2 driving a motor vehicle;

3 (3) any felony in the commission of which a motor vehicle
4 is used;

5 (4) failure to stop and render aid in the event of a motor
6 vehicle accident resulting in the death or personal injury of another.

7 (b) As to another conviction, reported under AS 28.37.130, the
8 licensing authority in the home state shall give the effect to the
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27 (2) the applicant has held a license, but the license has
28 been revoked by reason, in whole or in part, of a violation, and the
29 revocation has not terminated; except that after the expiration of one

1 year from the date the license was revoked, the person may make
2 application for a new license if permitted by law; the licensing
3 authority may refuse to issue a license to an applicant if, after
4 investigation, the licensing authority determines that it will not be
5 safe to grant to the person the privilege of driving a motor vehicle
6 on the public highways;

7 (3) the applicant is the holder of a license to drive
8 issued by another party state and currently in force, unless the
9 applicant surrenders the license.

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12 chapter shall be construed to affect the right of a party state to
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16 and a nonparty state.

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2 head of the withdrawing state has given notice of the withdrawal to
3 the executive heads of all other party states. Withdrawal does not
4 affect the validity or applicability by the licensing authorities of
5 states remaining party to the compact of any report of conviction
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18 effect as to the state affected as to all severable matters.