

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

CSHB 70 cont thru CSHB 74 230

State Medical Discipline: Defects and Hindrances

In 1913, a year after the founding of the Federation of State Medical Boards of the United States, N. P. Colwell, MD, secretary of the American Medical Association's Council on Medical Education and an original fellow of the federation, writing in the first issue of the federation's quarterly, stressed the need of the state medical boards for improved medical practice acts, adequate funding and staffing, increased legal authority, and effective communication among themselves regarding unfit practitioners. The state boards, he said, "have striven valiantly against almost insurmountable obstacles to do their full duty. . . . The important thing is for [them] to recognize the defects . . . take stock of the hindrances, and altogether, through the Federation of State Medical Boards . . . press the campaign for betterment."¹

See also p 820.

For 75 years, the federation has pressed the campaign for betterment in medical licensure and discipline. In its publications and educational programs, in every professional and public forum open to it, in legislative halls and the media, the federation has hammered at the defects and hindrances defined by Dr Colwell. Through its activities and services, it has sought to facilitate the effective and rational regulation of medical practice. However, while the concerted efforts of the federation and the state boards, combined with the concern of the public and the media, have gone a long way over the years to stimulate dramatic gains in the effectiveness of state medical discipline, serious problems persist.

In this issue of *THE JOURNAL*, Kusserow et al² present an overview of the current status of medical discipline in the states based on an examination of state medical licensing and disciplinary processes conducted by the Office of the Inspector General of the US Department of Health and Human Services. Bearing responsibility for regulation of the Medicare/Medicaid systems, the authors see more effective state medical discipline as essential to their own efforts. They also believe it would assist in reducing the incidence of malpractice litigation, though they are aware of its limited potential in that regard.³ Their conclusions demonstrate a recognition of the many obstacles the state boards and the federation have struggled against for years. The authors point out the ever-increasing work load carried by the state medical boards, the pressures on the boards, the problems presented to many of them by inadequate statutes, funding, and staffing, and the too-frequent failure of the medical community to report to the boards physicians whose professional performance is open to reasonable question. Having elaborated these problems, the authors call for higher license reregistration fees, dedicated board funds, and liability protection for those reporting questionable physicians to the boards in good faith.

From a federal perspective, the authors recommend that peer-review organizations and Medicare carriers be required to report relevant information regarding physician performance to the boards. They also urge the adoption of federal legislation that would close loopholes in Medicare/Medicaid enforcement provisions, allow the sharing of information

between the US Department of Health and Human Services and the states, foster improvement in the centralized reporting and distribution of disciplinary action information, and stimulate more consistent definitions of violations.

In their recommendations related to the needs of the state boards, the authors echo and reinforce views long advocated by the federation and the boards themselves. The federation's development and active promotion of *A Guide to the Essentials of a Modern Medical Practice Act*,⁴ which in its current edition has influenced the medical practice acts of over 20 states in two years, and its resolutions on board status and powers⁵ have contributed significantly to a recognition of the need for state action in support of the boards. The federation's recent publication of *A Model for the Preparation of a Guidebook on Medical Discipline*⁶ and its annual public releases of state board disciplinary action summaries have called attention to the importance of consistency in disciplinary processes and definitions.

The federation's most important effort, however, has been the development of the Physician Disciplinary Data Bank (DDB), the nation's preeminent system for collecting and distributing information on formal disciplinary actions taken by state boards and others against physicians.⁷ The DDB can be traced to 1915, when 19 board actions were reported in the first issue of the *Federation Bulletin (Monthly Bulletin 1915;1:4-5)*. Though disciplinary data were submitted to the federation only sporadically by state boards for many years, thousands of actions were reported in the *Bulletin* before 1971, when the *Monthly Disciplinary Action Report* was introduced. From such beginnings grew the computerized and highly sophisticated DDB of today, which has made it almost impossible for a physician formally disciplined by one jurisdiction to go undetected by another in which he may hold or seek a license.

The federation has also actively supported federal legislation to assist state boards in their disciplinary efforts. It testified vigorously in favor of those sections of the Health Care Quality Improvement Act of 1986, recently signed by the President, that protect good-faith peer-review activities, mandate the reporting of malpractice, hospital privileging, and state disciplinary data, and call for a central data repository (Title IV, Public Law 99-660). Far from perfect, this legislation, thoughtfully implemented, can advance current trends, provide significant assistance to the state boards, and enhance the efforts of the federation.

As fundamental as the recommendations made by Kusserow et al are, it should be noted that other specific steps are called for. Mandatory reporting to boards exists in one form or another in all but three of the licensing jurisdictions responding to a federation survey.⁸ Though mandatory reporting should be broadened to include more sources of information in a number of jurisdictions, it is a clear-cut trend.

However, enforcement of mandatory reporting has been less than adequate and should be improved. Obviously, liability protection should be offered those reporting to boards in good faith. Forty-two licensing jurisdictions report having some such form of protection now.⁸ It should be provided in all jurisdictions for all good-faith reporting, not simply that required by law. Board members, board staffs, and others serving the boards should be provided legal immunity and indemnification for good-faith actions taken as a result of their board responsibilities. Efforts must also be made at the federal level to provide effective protection from federal suits to board members performing their duties in good faith under state law as well as to those engaged in good-faith peer-review activities.

These points made, it must be emphasized that Kusserow et al deserve congratulations for their fresh documentation and restatement of the challenges facing the state boards. The federation is encouraged that responsible federal officials have listened so attentively to the boards and have gained an appreciation of the difficulties with which the boards deal on a daily basis. In the long run, this clearer understanding must contribute to improving the environment in which the boards function.

The success of efforts to improve medical discipline will finally depend, of course, on the funding, staffing, and authority of the state boards. These can only come from state legislatures willing to act responsibly. The appeal of Dr Colwell in 1913, the work of the federation and the boards over 75 years, the concerns of the public and the media, and the recommendations of the authors all come back to the same critical point. Those who sit in the legislatures of the various states must recognize that the effective regulation of medical practice is in their hands. The work of the state medical boards will always be a direct reflection of the will and purpose of the state legislatures.

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1. Colwell NP: Chief needs and functions of the Federation of State Medical Boards. *Quarterly* 1913;1:20.
2. Kusserow RP, Handley EA, Yessian MR: An overview of state medical discipline. *JAMA* 1987;257:820-824.
3. Concentrating on the liability crisis. *Federation Bulletin* 1986;73:131-136.
4. *A Guide to the Essentials of a Modern Medical Practice Act, 1965*. Fort Worth, Tex, Federation of State Medical Boards of the United States, 1965.
5. Casterline RL: Federation adopts important resolutions during 1986 annual business meeting. *Federation Bulletin* 1986;73:183-191.
6. *A Model for the Preparation of a Guidebook on Medical Discipline*. Fort Worth, Tex, Federation of State Medical Boards of the United States, 1986.
7. *Physician Disciplinary Data Bank: Introduction and Guide*. Fort Worth, Tex, Federation of State Medical Boards of the United States, 1986.
8. *Exchange Section 3: Physician Licensing Boards and Physician Discipline*. Fort Worth, Tex, Federation of State Medical Boards of the United States, 1986.

ACTION KIT


P.L. 99-660
Sec. 401
et seq.

CC: Towell
HAA Exec Committee

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ANTITRUST IMMUNITY
FOR HOSPITALS AND
PHYSICIAN PEER
REVIEWERS

HOSPITAL LAW
CHAPTER: AIDS



FEB 3 1987

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The Health Care Quality Improvement Act of 1986

A major new federal law known as the Health Care Quality Improvement Act of 1986 can radically change — for the better — the credentialing and quality management programs of every hospital in this country.

The Act, which was signed into law on November 14, 1986, provides significant legal protection to both the hospital and physicians involved in the peer review process. It also requires health care entities and insurance companies to report practitioners who have been subject to professional disciplinary action or malpractice verdicts and settlements to a national clearinghouse.

All things considered, the Act is unquestionably the most important piece of legislation to date affecting hospital-medical staff quality management operations. Hospitals and their medical staffs must therefore take immediate steps to reap the full benefits of this law and to position themselves to fulfill the responsibilities that it imposes.

IMMUNITY PROVISIONS

There are two different immunities provided by the Act. One is for individuals who provide information to entities, including hospitals, conducting professional review activities. The other is for individuals and entities who take professional review actions against physicians.

The immunity for those providing information to professional review bodies is very broad. A "professional review body" is defined as a health care entity or the governing body or any committee (including medical

staff committee) of a health care entity which conducts professional review activity. "Health care entities" include hospitals, other entities that provide health care services (including HMOs or group medical practices), and professional societies.

"Professional review activity" means an activity of a health care entity with respect to an individual physician that either: (a) determines whether the physician may have medical staff appointment or clinical privileges, (b) determines the scope or conditions of such privileges or appointment, or (c) changes or modifies such privileges or appointment.

The Act provides that any person who provides information to a profes-

sional review body regarding the competence or professional conduct of a physician shall be immune from liability in damages under any federal or state law unless the information provided is false and the person providing it knew that it was false.

Professional review bodies and other persons who assist them in professional review activities are also protected from damage suits so long as the professional review action was taken:

- (1) in the reasonable belief that the action was in the furtherance of quality health care;
- (2) after a reasonable effort to obtain the facts of the matter;
- (3) after adequate notice and hearing procedures are afforded to the physician involved; and
- (4) in the reasonable belief that the action was warranted by the facts known.

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Due Process Hearings — New Care Needed

To gain the full benefit of the immunity provisions of the Health Care Quality Improvement Act, hospitals will have to make sure that their medical staff hearing and appeals procedures meet the standards set forth in the Act.

In order to protect his antitrust claim and its potential for large damages, the attorney for the physician will *always* contend that the hearing and appeals procedures did not meet the requirements of the Act. Hospitals must be meticulous in seeing that they do. Counsel should be involved in hearing and appeals matters at the very beginning and throughout.

The standards require notice to the physician of the proposed action and a hearing prior to the action becoming final. The initial notice to the physician must state: (1) that a professional review action has been proposed to be taken against the physician; (2) the reasons for the proposed action; (3) that the physician has the right to request the hearing on the proposed action; (4) any time limit which shall not be less than thirty days within which to request a hearing; and (5) a summary of the physician's rights in the hearing.

If the physician requests the hearing, then he must be given notice of the time, place and date of the hear-

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Liability For Radiation Therapy Service

From time to time we have discussed cases in which it seems the hospital was held liable just because the harmful occurrence took place within the hospital's walls. That seems unfair, but it is the fact that under certain circumstances courts will impose liability on the hospital, even though no hospital employee acted in a way to cause harm to the patient.

One of the legal theories that supports this liability is the doctrine of "ostensible" or "apparent" authority. A recent appellate decision in Illinois highlights in dramatic fashion the application of the theory.

In *Sztorc v. Northwest Hospital*, 496 N.E.2d 1200 (Ill. App. Ct. 1986), the patient had undergone 31 radiation treatments after a right radical mastectomy in 1975 at the defendant hospital. Between 1975 and 1978 following the radiation treatments, she noticed a gradual loss of function in her right arm.

In July and August of 1979 plaintiff underwent surgery on her right brachial plexus at the Oschner Clinic in New Orleans. The performing surgeon told her that it would take at least a year to tell whether the desired nerve regeneration would occur and recommended a course of physical therapy for the plaintiff, which she continued at the defendant hospital upon her return home. She remained under the care of her family physician. In 1981, she returned to New Orleans and was informed that her right brachial plexus had been permanently damaged as a result of the overexposure to radiation in 1975.

She filed suit against the hospital, her family physician and the surgeon who performed the mastectomy. The defendant hospital moved for summary judgment claiming that there was no relationship between the staff of the X-ray department and the hospital and, consequently, no liability should be imposed on the hospital.

The following facts with respect to the X-ray department were undisputed: The department was comprised of a group of associated physicians operating under the name of "IG Radiology" and was owned, operated and staffed by Dr. Irving Greenberg. One of the physicians in the group

was in charge of administering radiation therapy to plaintiff. Those physicians had staff privileges at the defendant hospital; however, none of them were employed by the defendant hospital.

All of the radiation therapy equipment, including that used in treating plaintiff, was owned by Dr. Greenberg, who was solely responsible for its maintenance, repair and calibration. The defendant hospital did not receive any revenues from radiation treatment provided by Dr. Greenberg's group to plaintiff or to any other patient in 1975. In that year, Dr. Greenberg received payment for outpatient radiation services directly from his patients. A technician employed by Dr. Greenberg advised patients of the fee and issued receipts bearing Dr. Greenberg's name.

The record also showed that the X-ray department was located on the main floor of the defendant hospital. In order to reach it, plaintiff and other outpatients had to enter through the hospital's main entrance, proceed through its lobby, turn right down a main corridor and pass through a set of swinging doors labeled "X-ray Department." These doors also bore

the names of Dr. Greenberg and his associates and the designation "Department of Radiation Therapy."

The same X-ray department served both inpatients and outpatients, and appointments for radiation therapy for both types of patients were ultimately scheduled by the same technician who was employed by Dr. Greenberg. There was no dress code or other manner by which patients or the general public could differentiate employees of Dr. Greenberg's group from other employees in the hospital.

The trial court granted the defendant hospital's motion for summary judgment. The plaintiff appealed that decision.

The Illinois appellate court ruled that even where there is not an actual agency relationship, hospitals may be held liable for the acts of independent physicians practicing on the premises. The court then noted that several other states have adopted the "apparent agency" doctrine to preclude the entry of summary judgment under circumstances where a person, like the plaintiff, goes to a hospital, which holds itself out as a full service institution offering a range and variety of services such as radiation treatment, under the assumption that such services are, in fact, being provided by the hospital. These decisions, said the court, "have been based upon the presumption that when a person goes to a full service

continued page 4

Improvement Act of 1986

The Act goes on to set forth specific conditions which, if met, will be deemed to provide "adequate notice and hearing" to the physician who is the subject of the professional review action. [See Due Process Hearings—]

The Act also provides additional protection by allowing defendants in suits challenging professional review actions to recover attorneys' fees and costs of defense in the event that they substantially prevail in the action.

It should be noted that the immunity provided for professional review activities is not absolute. The immunity does not apply to actions brought under the federal civil rights laws, injunction or declaratory judgment actions, actions by governmental agencies such as the Federal Trade

Commission (FTC), or criminal proceedings. The immunity also does not apply to actions brought by non-physician practitioners, such as podiatrists or chiropractors.

Even where the immunity would otherwise apply, the immunity can be lost if the action was based on certain improper motives. For example, professional review actions not based on the competence or professional behavior of the physician, such as actions based on the physician's affiliation (or lack thereof) with any professional association, his fees, advertising, or business solicitation methods, his affiliation with HMOs, or the fact that he is paid a salary are not protected by the Act. Nor are any actions taken by professional societies under investigation by the FTC for anti-competitive practices.

The immunities provided under the Act are effective for suits brought un-

der federal law based on professional review actions taken subsequent to November 14, 1986 — the date the legislation was signed into law. They will also apply to actions brought under state law in most cases after October 14, 1989. However, the immunity can be applicable to state court suits before 1989 if the state "opts in" to the new law. The state can also "opt out" by rejecting immunity provisions, but if it takes no action before 1989, the immunity provisions automatically apply to state law suits as well.

REPORTING REQUIREMENTS

In addition to providing immunity for professional review actions, the Act also requires reporting of certain actions to the Secretary of Health and Human Services (HHS), and to state boards of medical examiners. Specifically, health care facilities are required to report to the medical licensing boards in their state, any professional review action that adversely affects the clinical privileges of the physician for longer than 30 days, or the surrender of clinical privileges by a physician while an investigation related to possible incompetence or improper professional conduct is underway. Similar reports are permitted, but not required, in the case of actions taken with respect to non-physician practitioners. The state licensing boards are, in turn, required to report this information to the Secretary of Health and Human Services.

The failure of a health care facility to report an action that would otherwise be required to be reported, must also be reported by the state board to HHS. If the health care facility fails to report when required, it will lose the immunity protection provided in the other portions of the Act.

The required information must be reported at least monthly. The reporting requirements will go into effect by November 14, 1987.

Insurance companies, as well as health care facilities, are also required to report any payments made, pursuant to insurance policies or otherwise, in settlement or in satisfaction of judgments in medical malpractice actions. These reports must include not only the amount of the payment, but also the name of the practitioner involved, the name of any hospital with which the practitioner is associated, and a description of the acts or omissions,

and injuries or illnesses, upon which the original malpractice claim was based.

Any person making a required report is immune from any liability in any civil action unless the information reported was false and they had knowledge of the falsity of the information. The information reported is also to be maintained in a confidential manner and can only be disclosed in cases relating to professional review activity.

Not only can hospitals receive information from the national data bank containing the reported information that will be established by HHS, they will be required to do so whenever a physician or other licensed health care practitioner applies to be on the

medical staff or otherwise requests clinical privileges. Information must also be requested by the hospital once every two years for physicians and other practitioners already on the medical staff or who already exercise clinical privileges at the hospital. The intent is to make this request an integral part of the reappointment process.

If the hospital subsequently relies on information provided to it by HHS, it will not be held liable for so relying on it unless it has actual knowledge that the information was false. Moreover, if the hospital fails to obtain information as required, it will be presumed to have knowledge of this information in the event it issued for malpractice. ■

How To Take Advantage Of The Act

Since the Quality Improvement Act so fundamentally changes the rules with respect to credentialing and quality assurance, hospitals should take action now to be ready to take advantage of the immunities in the Act, as well as to be protected from potential liability. This Act protects against the time, expense and trauma involved in a long, drawn-out anti-trust suit. It is worth changing all bylaws and procedures as necessary. Do it now, for the protections of the Act are available now. Among the steps that should be put into place as soon as possible are:

◆ The credentialing provisions of the hospital's medical staff bylaws should be reviewed in detail and revised as necessary to assure compliance with the Act. In particular, the hearing and appeal provisions in the bylaws should be amended to conform with the due process provisions in the Act. [See Due Process Hearings —]

◆ The process by which applicants for staff appointment and reappointment are evaluated should be scrutinized to make sure that it will not forfeit the immunity provided by the Act. In particular, the composition of committees engaged in peer review and credentialing should be reviewed carefully to ensure that the committees are not structured to include

practitioners who are likely to be alleged to be in direct economic competition with the subjects of professional review activity.

This means that medical staff committees making recommendations to the hospital board on credentialing matters should not be composed of "representatives" of particular departments. Rather the individuals on these committees should be chosen for their ability to make thorough, reasoned recommendations concerning applicants for appointment and clinical privileges. Also, there should be clear conflict of interest provisions that require a physician involved in the credentialing process not to take part in any action dealing with an individual with whom he might be in direct economic competition.

◆ Provisions in medical staff bylaws that require the approval of the entire staff prior to sending a credentialing recommendation to the board should be repealed immediately. The definition of professional review body only includes committees of the medical staff — not the medical staff as a whole. The immunity provided by the Act will not extend to any process where the entire medical staff makes a recommendation on appointment to the board.

◆ Credentialing forms, such as appointment and reappointment application forms, should be thoroughly scrutinized to ensure that they elicit all of the information that will be needed for the credentials committee and board to make a reasonable determination in credentialing cases. The

Due Process Hearings — (cont.)

ing at least 30 days in advance of the hearing. He must also be provided with a list of witnesses expected to testify on behalf of the professional review body.

The hearing can be held before a panel of individuals who are not in direct economic competition with the physician, a mutually acceptable arbitrator, or a hearing officer appointed by the hospital who is not in direct economic competition with the physician. This last option is one not often used by hospitals up to now, but it has a number of advantages from the standpoint of providing a more thorough review of the facts of the situation, as well as protecting physicians on the medical staff who would otherwise have been on the hearing panel from allegations that they were engaged in a conspiracy against the physician in question.

If the physician fails to appear at the hearing, his right to the hearing can be forfeited. Also, a physician can waive his due process rights, but any such waiver must be in writing. A specific waiver as part of a contract between the physician and hospital would also suffice.

At the hearing the physician has the right to be represented by an attorney or other person of his choice, to have a record made of the hearing proceedings, to call, examine and cross-examine witnesses, to present evidence deemed to be relevant by the hearing officer regardless of its admissibility in a court of law, and to submit a written statement at the close of the hearing.

Copies of the hearing record can be obtained by the physician upon paying a reasonable fee. After the hearing is over, the physician must also have the right to receive the written recommendation of the panel which must include a statement of the basis for its recommendations and to receive the ultimate written decision of the health care entity.

The Act permits summary suspension of clinical privileges during the course of an investigation (which can-

not be longer than 14 days in length) or the immediate suspension or restriction of privileges "where the failure to take such action may result in imminent danger to the health of any individual." In the latter case, the suspension has to be followed up by a subsequent notice and hearing or other adequate procedures.

Hospitals should take steps now to make sure that their credentialing and hearing and appeal procedures meet these requirements. It may be advantageous from a procedural and legal standpoint for these procedures to be placed not in the medical staff bylaws, as has traditionally been the

case, but in a separate hearing and appeals policy adopted by the board of the hospital. These procedures would be employed in all cases where negative recommendations are made concerning staff appointment and clinical privileges.

While the Act does not state that these procedures are the exclusive means of providing due process, they are deemed as adequate due process by the Act. They will therefore form the standard for medical staff due process actions in the years to come. Hospitals would do well to conform their own procedures to them as soon as possible. ■

Therapy Service (cont.)

hospital for care and treatment, he or she does so in reliance on the reputation of the institution and the skill and expertise of its personnel."

The appellate court therefore reversed the judgment of the trial court and remanded the case for trial.

This case demonstrates dramatically that the hospital is at risk for all behavior which occurs on its premises no matter who the actor is. It is an illustration of how critical it is for hospitals to have in place effective evaluation programs so that all health care services are monitored and maintained at high levels of quali-

ty. Even in the case of an exclusive contractual arrangement for the provision of services there is a need for all practitioners to maintain the highest standards of care when they perform in the institution.

From a more practical standpoint the case highlights the importance of "telling it like it is." It would have been most helpful if the entrance to the X-ray department had clearly indicated the fact that the X-ray group was not a direct hospital operation.

The case does not inform us whether the hospital was indemnified by the physician group. One would hope so. In any event, these kinds of cases are no longer "rare birds." It would be in everyone's interest to review these kinds of relationships to assess potential liability. ■

Advantage Of The Act (cont.)

information requested by the forms should be as thorough and complete as possible and staff bylaws should not permit any action to be taken until the application is complete and until all outstanding questions with respect to the application have been resolved. Taking action either affirmatively or negatively without having all of the facts necessary to support the action (especially information that will be available from HHS) is now extremely dangerous from a legal perspective.

◆ The credentialing and quality management provisions of any hospi-

tal affiliated HMO or PPO should be subjected to the same type of scrutiny. HMOs (certainly) and PPOs (probably) are considered health care entities which can avail themselves of the immunities provided in this Act.

The Health Care Quality Improvement Act of 1986 should prove to be a positive force in promoting quality health care. However, it will only prove to be so if hospitals and physicians make it work. The failure on the part of hospitals and their medical staffs to quickly respond to the requirements of this Act will result in legal disaster for them. ■

ACTION-Kit for hospital law is written by members of the firm of Harty, Springer & Mattem, P.C.

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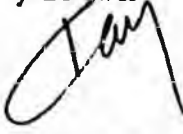
Kay Brown

Alaska State Legislature House of Representatives

MEMORANDUM

TO: Representative Al Adams, Chair
House Finance Committee

FROM: Representative Kay Brown

DATE: April 1, 1987 

RE: Proposed CS HB 70 (Finance)

The House Finance subcommittee on HB 70 recommends the attached draft CS for consideration by the full committee. Also attached are a sectional analysis of the draft CS, as well as a sectional which identifies the specific changes made to the Judiciary version of the bill.

Changes to the Judiciary version of HB 70:

Briefly, the significant changes include:

1. An alternative funding mechanism which allows the Department of Commerce to levy a one-time surcharge to raise funds sufficient to cover additional staff for the Medical Board (this will be accompanied by the authorization of two new positions in the budget). Also, the Division of Occupational Licensing statutes are changed to ensure that services provided by the Division to a particular Board reflect the fees collected from that profession.
2. Incorporation of an extension of the sunset date for the Medical Board to June 30, 1991.
3. Modification of the language of the Judiciary version to provide that the Medical Board "coordinate" (rather than "contract") with private organizations to establish an impaired physicians program. Also, the draft CS requires that the Department, rather than the Board, hire the new personnel.

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4. Further definition and conditioning of the the circumstances under which certain reports to the Medical Board may become public.

Please refer to the attached sectional analyses for additional detail on the changes.

Fiscal Note

A fiscal note in the amount of \$89.8 thousand is also attached. The costs would be entirely funded with new program receipts (i.e., with the surcharge in FY 88 and by increased license fees in future years).

Attachments

(2) at the request of the State Medical Board, conduct investigations based on complaints filed with the department or with the board; and

(3) be directly responsible and accountable to the State Medical Board, except that only the department has authority to terminate the investigator's employment and the department shall provide day to day and administrative supervision of the investigator. (§ 1 ch 59 SLA 1966; am § 1 ch 102 SLA 1976; am § 39 ch 218 SLA 1976; am § 2 ch 258 SLA 1976; am §§ 1, 2 ch 49 SLA 1980; am § 1 ch 82 SLA 1980; am § 2 ch 141 SLA 1980; am § 1 ch 166 SLA 1980; am § 1 ch 48 SLA 1983; am § 3 ch 56 SLA 1986; am § 3 ch 131 SLA 1986)

Revisor's notes. — Minor word changes were made in 1986 to reconcile amendments made to (a)(4) and (a)(9) of this section by chapters 56 and 131, SLA 1986.

Effect of amendments. — The 1983 amendment added subsection (c).

The first 1986 amendment, effective May 30, 1986, in subsection (a) in the introductory language substituted "perform" for "provide," added "or as determined by the department under AS 08.45 for naturopaths" at the end of paragraph (4), added "or as authorized by the department under AS 08.45 for naturopaths" at the end of paragraph (9), and substituted "that" for "which" in paragraph (15).

The second 1986 amendment in subsection

(a) at the end of paragraph (4) added the language beginning "or as determined," at the end of paragraph (9) added the language beginning "or as authorized," and in paragraph (15) substituted "that" for "which."

Editor's notes. — Section 9, ch. 56, SLA 1986 provides: "The Department of Commerce and Economic Development shall establish a committee to develop recommendations on whether the licensure of naturopaths should be by an existing board, a new board, or the division of occupational licensing. The committee shall provide the legislature with a report of its recommendations on or before the 10th day of the First Session of the Fifteenth Legislature."

Sec. 08.01.065. Fees established by regulation. (a) The department shall adopt regulations that establish the amount and manner of payment of application fees, examination fees, license fees, registration fees, permit fees, investigation fees, and all other fees as appropriate for the occupations covered by this chapter and for real estate brokers and salesmen under AS 08.88.

(b) The department may not adopt a regulation under (a) of this section unless the board responsible for regulating the affected occupation concurs.

(c) A fee established under this section must reflect, to the extent possible, the actual costs to the department of the activity for which the fee is charged.

(d) The commissioner of administration shall separately account for occupational licensing fees deposited in the general fund by the department. The annual estimated balance in the account may be used by the legislature to make appropriations to the department to carry out the activities of the division of occupational licensing. (§ 2 ch 37 SLA 1985; am § 4 ch 138 SLA 1986)

Scrappers.

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Chapter 64. Medicine.

Article

- 1. State Medical Board (§§ 08.61.010 -- 08.61.010, 08.61.085, 08.61.101, 08.61.101)
- 2. Licensing (§§ 08.61.170, 08.61.200, 08.61.210, 08.61.250, 08.61.300, 08.61.270, 08.61.275 -- 08.61.290, 08.61.311, 08.61.315, 08.61.320, 08.61.325, 08.61.326, 08.61.330, 08.61.331, 08.61.336, 08.61.350)
- 3. Unlawful Acts (§ 08.61.300)
- 4. Miscellaneous Provisions (§ 08.61.366)
- 5. General Provisions (§§ 08.61.370, 08.61.380)

Editor's notes. — Section 7, ch. 33, SLA 1985 provides: "Notwithstanding AS 08.64, a lay midwife practicing in this state on May 24, 1985 who is not registered by the Department of Health and Social Services may continue to practice

until the department adopts regulations under AS 18.05.010 for the practice of lay midwifery and completes any review of the midwife's credentials required by the regulations. The midwife shall cooperate with the department in the review."

Article 1. State Medical Board.

Section

- 10. Creation and membership of State Medical Board
- 20. Term of office
- 30. [Repealed]

Section

- 40. Removal of members
- 85. Meetings of the board
- 101. Duties
- 140. [Repealed]

Sec. 08.61.010. Creation and membership of State Medical Board. The governor shall appoint a board of medical examiners, to be known as the State Medical Board, consisting of five physicians licensed in the state and residing in as many separate geographical areas of the state as possible, and two persons with no direct financial interest in the health care industry. (§ 35-3-82 ACIA 1949; am § 1 ch 148 SLA 1970; am § 11 ch 102 SLA 1976; am § 3 ch 48 SLA 1983)

Effect of amendments. — The 1983 amendment, deleted "licensed" preceding "physicians," inserted "licensed in the state and" following "physicians," substi-

tuted "geographical areas of the state" for "Alaska judicial districts," and made a minor punctuation change.

Sec. 08.64.020. Term of office. Members shall be appointed for staggered terms of four years, subject to confirmation by a majority of the members of the legislature in joint session, and shall hold office until their successors are appointed and qualified. A person who has served two successive complete terms may not be reappointed until four years after the expiration of the second term. (§ 35-3-82 ACIA 1949; am § 4 ch 107 SLA 1969; am § 12 ch 102 SLA 1976; am § 4 ch 48 SLA 1983)

Effect of amendments. -- The 1983 amendments inserted "a term" in the first sentence and rewrote the second sentence.

Sec. 08.61.030. Substitution of members. [Repealed, § 19 ch 48 SLA 1983.]

Sec. 08.61.040. Removal of members. The governor may remove a member of the board for cause. The board may by regulation provide that unexcused absences from meetings is cause for removal. (§ 35-3-84 ACILA 1949; am § 5 ch 48 SLA 1983)

Effect of amendments. -- The 1983 amendment added the second sentence.

Sec. 08.61.050. Oath of office. Each member shall take an oath of office. The oath shall be filed and preserved in the division of occupational licensing of the department. (§ 35-3-83 ACILA 1949; am § 1 ch 77 SLA 1969; am § 1 ch 101 SLA 1974)

Sec. 08.61.060. Seal. The board shall adopt a seal. (§ 35-3-83 ACILA 1949)

Sec. 08.61.070. Officers. The board shall elect a president and secretary from among its members. The president and secretary may administer oaths. (§ 35-3-83 ACILA 1949; am § 2 ch 77 SLA 1969)

Sec. 08.61.080. Meetings of board.
Repealed by § 3 ch 59 SLA 1966.

Editor's notes. -- The repealed section derived from § 35-3-83, ACILA 1949.

Sec. 08.61.085. Meetings of the board. The board shall meet at least four times a year. (§ 6 ch 48 SLA 1983)

Sec. 08.61.090. Quorum. Four members of the board constitute a quorum for the transaction of all business properly before the board. (§ 35-3-83 ACILA 1949; am § 3 ch 148 SLA 1970; am § 13 ch 102 SLA 1976)

Cross references. -- As to notes to AS 09.55.296 and Alas. Const., constitutionality of ch 102, SLA 1976, see art II, § 14.

Sec. 08.61.100. Power of board to adopt regulations. The board may prescribe and establish rules and regulations necessary to carry into effect the provisions of this chapter. (§ 35-3-95 ACILA 1949)

Sec. 08.61.101. Duties. The board shall

- (1) examine and issue licenses to applicants;
- (2) develop written guidelines to insure that licensing requirements are not unreasonably burdensome and the issuance of licenses is not unreasonably withheld or delayed;
- (3) submit an annual report of its proceedings to the governor, including a statement of money received and disbursed;
- (4) after a hearing, impose disciplinary sanctions on persons who violate this chapter, or the regulations or orders of the board;
- (5) adopt regulations insuring that renewal of licenses is contingent upon proof of continued competency on the part of the licensee. (§ 7 ch 48 SLA 1983)

Sec. 08.61.105. Regulation of abortion procedures.

Opinions of attorney general. -- Separation of responsibilities in AS 18.16.010 is clear; the approval of facilities is granted to the Department of Health and Social Services; the ethical and professional responsibilities of medical doctors are committed to the supervision of the State Medical Board. No language in this section vitiates any of the responsibilities granted in 18.16.010 (a) (2) to the Department of Health and Social Services. October 7, 1974 Op. Atty Gen.

Sec. 08.64.107. Regulation of physician assistants and intensive care paramedics. The board shall adopt regulations regarding the registration of physician assistants and physician-trained mobile intensive care paramedics, and the medical services that each may

perform, including but not limited to (1) the educational and other qualifications, (2) the application and registration procedures, (3) the scope of activities authorized, and (4) the responsibilities of the supervising or training physician. (§ 2 ch 101 SLA 1974)

Sec. 08.64.110. Per diem and expenses. The members of the board are entitled to per diem and expenses authorized by law. (§ 35-3-95 ACIA 1949)

Revisor's note. -- This section was 1953, as amended by § 1, ch. 34, SLA implicitly amended by § 1, ch. 130, SLA 1960.

Sec. 08.64.120. Coverage of funds and warrants for expenses. Repealed by § 3 ch 59 SLA 1966.

Editor's notes. -- The repealed section derived from § 35-3-95, ACIA 1949.

Sec. 08.64.130. Board records. The board shall preserve a record of its proceedings, which shall contain the name, age, residence and duration of residence of each applicant for a license, the time spent by the applicant in medical study, the place of medical study, and the year and school from which degrees were granted. The record shall also show whether the applicant was granted a license or rejected. (§ 35-3-84 ACIA 1949)

Editor's notes. -- This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 1, Chapter 58, SLA 1982.

Sec. 08.64.140. Annual report to governor. [Repealed, § 19 ch 48 SLA 1983.]

Sec. 08.64.190. Application for license. A person who desires to practice medicine, osteopathy or acupuncture in the state shall apply in writing to the department for a license. (§ 35-3-85 ACIA 1949; am § 1 ch 22 SLA 1960; am § 4 ch 143 SLA 1968; am § 3 ch 77 SLA 1969; am § 2 ch 21 SLA 1974)

Sec. 08.64.190. Contents of application. The application shall state the name, age, residence, the duration of residence, the time spent in medical or osteopathy study, the place, year and school in which degrees were granted, and other information the board considers necessary. The application shall be made under oath. (§ 35-3-85 ACIA 1949; am § 1 ch 22 SLA 1960; am § 4 ch 77 SLA 1969)

§ 08.64.200 ALASKA STATUTES SUPPLEMENT § 08.64.250

Sec. 08.64.200. Qualifications of physician applicants. Except for foreign medical graduates as specified in AS 08.64.225, each physician applicant shall

(1) *[Repealed, § 19 ch 48 SLA 1983.]*

(2) submit a certificate of graduation from a legally chartered medical school accredited by the Association of American Medical Colleges and the Council on Medical Education of the American Medical Association;

(3) submit a certificate from a recognized hospital certifying that the applicant has satisfactorily performed the duties of resident physician or intern for a period of one year;

(4) not have a license to practice medicine in another state, province, or territory which is currently suspended or revoked for disciplinary reasons; and

(5) be a citizen of the United States or be lawfully admitted for permanent residence. (§ 35-3-85 ACIA 1949; am § 1 ch 22 SLA 1960; am § 1 ch 18 SLA 1963; am § 5 ch 77 SLA 1969; am §§ 5, 6 ch 148 SLA 1970; am § 1 ch 85 SLA 1972; am § 5 ch 101 SLA 1974; am § 19 ch 48 SLA 1983)

Effect of amendments. — The 1983 amendment repealed paragraph (1).

Sec. 08.64.205. Qualifications for osteopath applicants. Each osteopath applicant shall meet the qualifications prescribed in AS 08.64.200(1), (4) and (5) and shall

(1) submit a certificate of graduation from the legally chartered school of osteopathy approved by the board;

Sec. 08.64.207. Qualifications for acupuncture applicants. Each acupuncture applicant shall meet all of the qualifications prescribed in AS 08.64.200 and shall meet those requirements of experience or education in the practice of acupuncture as may be required by the board. (§ 3 ch 21 SLA 1974)

(2) submit a certificate from a hospital approved by the American Medical Association or the American Osteopathic Association which certifies that the osteopath has satisfactorily completed and performed the duties of intern or resident physician for one year;

(3) take the examination required by AS 08.64.210 or be certified to practice by the National Board of Examiners for Osteopathic Physicians and Surgeons. (§ 1 ch 56 SLA 1966; am § 6 ch 77 SLA 1969; am § 7 ch 148 SLA 1970; am § 6 ch 101 SLA 1974)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 08.64.209. Qualifications for podiatry applicants. (a) Each applicant who desires to practice podiatry shall meet the qualifications prescribed in AS 08.64.200(1) and (4) and shall

(1) submit a certificate of graduation from a legally chartered school of podiatry approved by the board;

(2) take the examination required by AS 08.64.210; the State Medical Board shall call to its aid a podiatrist of known ability who is licensed to practice podiatry to assist in the examination and licensure of applicants for a license to practice podiatry;

(3) meet other qualifications of experience or education which the board may require.

(b) The provisions of AS 08.64.180 — 08.64.190, 08.64.220, and 08.64.230 — 08.64.380 relating to the practice of medicine or osteopathy apply to the application procedure, testing, and practice of podiatry, as appropriate. (§ 3 ch 24 SLA 1976)

Sec. 08.64.210. Examination required. (a) The applicant shall take examinations in subjects the board considers necessary, unless excused under provisions of AS 08.64.250.

(b) The application for examination shall be submitted to the board at least 40 days before the examination date. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am § 7 ch 77 SLA 1969; am § 8 ch 148 SLA 1970)

Sec. 08.64.215. Insurance required.

Repealed by § 40 ch 177 SLA 1978.

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Sec. 08.64.220. Contents of examination and grading. (a) The board shall make the examination written and oral and sufficient to test the applicant's fitness to practice medicine or osteopathy.

(b) Repealed by § 27 ch 148 SLA 1970.

(c) The examinations, answers and scores shall be preserved and filed. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am §§ 8, 9 ch 77 SLA 1969; am §§ 9, 27 ch 148 SLA 1970)

Sec. 08.64.225. Foreign medical graduates. Applicants who are graduates of medical colleges not accredited by the American Medical Association or one of its agencies shall meet the requirements of AS 08.64.200(1), (3), (4) and (5) and must have passed an examination and be certified by the Education Council on Foreign Medical Graduates, or be licensed by examination in another state or territory of the United States or province of Canada. (§ 10 ch 77 SLA 1969; am § 10 ch 148 SLA 1970; am § 7 ch 101 SLA 1974)

Sec. 08.64.230. License granted. (a) If the physician applicant passes the examination and meets the requirements of AS 08.64.200, the board shall grant a license to the applicant to practice medicine in the state.

(b) If the osteopath applicant passes the examination and meets the requirements of AS 08.64.205, the board shall grant a license to the applicant to practice osteopathy in the state.

(c) Each license shall be signed by the secretary and president of the board, and have the seal of the board affixed to it. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am § 11 ch 77 SLA 1969)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 08.64.240. License refused. (a) The board may not grant a license if

- (1) the applicant fails or cheats during the examination;
- (2) the board determines that the applicant is professionally unfit to practice medicine or osteopathy in the state; or
- (3) the applicant fails to comply with a requirement of this chapter.

(b) The board may refuse to grant a license to any applicant for the same reasons that it may impose disciplinary sanctions under AS 08.64.326. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am § 12 ch 77 SLA 1969; am § 11 ch 148 SLA 1970; am § 9 ch 48 SLA 1983)

Effect of amendments. — The 1983 amendment rewrote this section.

Sec. 08.64.250. License by credentials. The board may waive the examination requirement and license by credentials if the physician or podiatry applicant meets the requirements of AS 08.64.200 or 08.64.209, submits proof of continued competence as required by regulation, pays the required fee and has

- (1) an active license from a board of medical examiners established under the laws of a state or territory of the United States or a province of Canada issued after thorough examination; or

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(2) passed an examination given by the National Board of Medical Examiners or the Federation of State Medical Boards of the United States if the applicant is a physician, or passed an examination given by the National Board of Podiatry Examiners if the applicant is a podiatrist. (§ 35-3-85 ACLA 1949; am § 1 ch 22 SLA 1960; am § 13 ch 77 SLA 1969; am § 8 ch 69 SLA 1970; am § 12 ch 148 SLA 1970; am § 10 ch 48 SLA 1983)

Effect of amendments. — The 1983 amendment, in the undesignated, introductory language substituted "credentials" for "endorsement," inserted "or podiatry," and inserted "or 08.61.209, sub-

mits proof of continued competence as required by regulation"; and, at the end of paragraph (2), added the language beginning "if the applicant is a physician."

Sec. 08.64.255. Interview required. All applicants for a license under AS 08.64.250 shall be interviewed in person by at least one member of the board before a license will be issued. The interview shall be recorded, and, if the application is denied on the basis of the interview, the denial shall be stated in writing with the reasons for it, and the record shall be preserved. (§ 14 ch 77 SLA 1969; am § 13 ch 148 SLA 1970)

Sec. 08.61.260. Re-examination. (a) If the applicant fails the examination, the applicant may, on the same application and payment of a reexamination fee, take another examination not less than six months nor more than two years after the date of the first examination. If the applicant fails a second examination, the applicant may, after a year or more of further study or training approved by the board, make a new application for licensure.

(b) Applicants failing every portion of the examination shall retake the entire examination and pay the full examination fee.

(c) [See effective date note] Applicants failing portions of part I or part II of the examination may retake the portions failed at a prorated fee.

(d) [See effective date note] Applicants failing part III of the examination shall retake the entire part at a prorated fee. (§ 35-3-92 ACLA 1949; am § 15 ch 77 SLA 1969; am § 14 ch 148 SLA 1970; am §§ 36, 37 ch 37 SLA 1985)

Effect of amendments. -- The 1985 amendment deleted "prescribed in the regulations by the board" at the end of subsections (c) and (d).

ment to this section is effective upon the adoption of regulations under AS 08.01.065. For the law until that date, see the effect of amendments notes.

Effective dates. — The 1985 amend-

Sec. 08.61.270. Temporary permits. (a) The board may issue a temporary permit to an applicant who meets the requirements of AS 08.64.200, 08.64.205, or 08.64.209 and pays the required fee.

(b) A temporary permit is valid for eight months or until the board meets to consider the application, whichever occurs first.

(c) A temporary permit may be renewed at the board's discretion one time only. (§ 35-3-96 ACLA 1949; am § 16 ch 77 SLA 1969; am § 15 ch 148 SLA 1970; am §§ 2, 3 ch 85 SLA 1972; am § 8 ch 101 SLA 1974; am § 11 ch 48 SLA 1983)

§ 08.64.270

§ 08.64.272

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§ 08.64.280

Board of Medical
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later enactment

Sec. 08.64.272. Residency and internship. For the limited purpose of doing residency or internship work, the board may issue a temporary permit to an applicant without examination if the applicant meets the requirements of AS 08.64.200(1) and (2), pays the required fee, and has been accepted by an eligible institution in the state for the purpose of doing residency or internship work. (§ 16 ch 148 SLA 1970)

Sec. 08.64.275. Temporary permit for locum tenens practice.
(a) A member of the board may grant a temporary permit to a physician or osteopath for the purpose of substituting for another physician or osteopath licensed in this state. The permit is valid for 120 consecutive days. If circumstances warrant, an extension of the permit may be granted by the board.

(b) A physician applying under (a) of this section shall pay the required fee and shall meet the requirements of AS 08.64.200. In addition, the physician shall submit evidence of holding a license to practice medicine in a state or territory of the United States or in a province of Canada.

(c) An osteopath applying under (a) of this section shall pay the required fee and shall meet the requirements of AS 08.64.205. In addition, the osteopath shall submit evidence of holding a license to practice in a state or territory of the United States or in a province of Canada.

(d) [See effective date note] Within 10 days after the permit has been granted, the board member shall forward to the department a report of the issuance of the permit. (§ 17 ch 77 SLA 1969; am §§ 17 -- 19 ch 148 SLA 1970; am § 38 ch 37 SLA 1985)

Effect of amendments. -- The 1985 amendment in subsection (d) substituted "after" for "from" and "permit has been granted" for "granting of the permit" and deleted "the fee" following "forward" and "with" following "department."

Effective dates. -- The 1985 amendment to this section is effective upon the adoption of regulations under AS 08.01.065. For the law until that date, see the effect of amendments note.

Sec. 08.64.280. Record of license. [Repealed, § 10 ch 37 SLA 1986.]

Sec. 08.64.290. Examination fee. [See postponed repeal note.]

Postponed repeal. -- The 1985 repeal of this section is effective upon the adoption of regulations under AS 08.01.065.

Sec. 08.64.300. Fee for license by reciprocity.

Repealed by § 19 ch 77 SLA 1969.

Editor's notes. -- The repealed section derived from § 35-3-86, ACLA 1949.

Sec. 08.64.310. Annual license fee.

Repealed by § 20 ch 77 SLA 1969.

Editor's notes. -- The repealed section derived from § 35-3-87, ACLA 1949.

Sec. 08.64.311. License renewal. Licenses shall be renewed four years after the date of issue. (§ 20 ch 77 SLA 1969; am § 21 ch 148 SLA 1970; am § 12 ch 48 SLA 1983)

Effect of amendments. — The 1983 amendment substituted "four years after the date of issue" for "biennially."

Sec. 08.64.312. Continuing education requirements. (a) The board shall promote a high degree of competence in the practice of medicine by requiring every physician licensed in the state to fulfill continuing education requirements.

(b) Before a license may be renewed the licensee shall submit evidence to the board that continuing education requirements prescribed by regulations adopted by the board have been met.

(c) The board may exempt a physician from the requirements of (b) of this section upon an application by the physician giving evidence satisfactory to the board that the physician is unable to comply with the requirements because of extenuating circumstances. However, no person may be exempted from more than 15 hours of continuing education in a five-year period. (§ 14 ch 102 SLA 1976)

Cross references. — As to constitutionality of ch. 102, SLA 1976, see notes to AS 09.55.536 and Alas. Const., art. II, § 14. redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Editor's notes. — This section was

Sec. 08.64.313. Inactive license. A licensee residing outside Alaska may renew a license issued under this chapter as inactive. If the licensee practices intermittently in Alaska, the licensee may not hold an inactive license. (§ 21 ch 148 SLA 1970)

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Sec. 08.64.315. Fees [See effective date note]. The department shall set fees under AS 08.01.065 for each of the following:

- (1) application;
- (2) license by examination;
- (3) license by endorsement or waiver of examination;
- (4) temporary permit;
- (5) locum tenens permit;
- (6) license renewal, active;
- (7) license renewal, inactive;
- (8) license by reexamination.

(§ 21 ch 77 SLA 1969; am § 22 ch 148 SLA 1970; am § 13 ch 48 SLA 1983; am § 39 ch 37 SLA 1985)

Effect of amendments. - The 1983 amendment increased the fees imposed under this chapter, in paragraph (3) substituted "credentials" for "endorsement," and in paragraphs (6) and (7) deleted "biennial" following "renewal."

The 1985 amendment rewrote this section, which included a fee schedule.

Effective dates. - The 1985 amendment to this section is effective upon the adoption of regulations under AS 08.01.065. For the law until that date, see the editor's note.

Editor's notes. - Prior to the adoption of regulations under AS 08.01.065, this section reads: "The following fees are imposed under this chapter:

(1) application	\$50
(2) license by examination	500
(3) license by credentials or waiver of examination	200
(4) temporary permit	50
(5) locum tenens permit	50
(6) license renewal, active	600
(7) license renewal, inactive	300
(8) license by reexamination	150"

Sec. 08.64.320. Disposition of fees. [See postponed repeal note.]

Postponed repeal. - The 1985 repeal of this section is effective upon the adoption of regulations under AS 08.01.065.

Sec. 08.64.325. Limits or conditions on license; discipline. [Repealed, § 19 ch 48 SLA 1983.]

Sec. 08.64.326. Grounds for imposition of disciplinary sanctions. (a) The board may impose a sanction if the board finds after a hearing that a licensee

(1) secured a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation while providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted, including conviction based on a guilty plea or plea of nolo contendere, of

(A) a felony or other crime if the felony or other crime is substantially related to the qualifications, functions, or duties of the licensee; or

(B) a crime involving the unlawful procurement, sale, prescription or dispensing of drugs;

(5) has procured, sold, prescribed or dispensed drugs in violation of a law, regardless of whether there has been a criminal action;

(6) intentionally or negligently permitted the performance of patient care by persons under the licensee's supervision that does not conform to minimum professional standards even if the patient was not injured;

(7) failed to comply with this chapter, a regulation adopted under this chapter, or an order of the board;

(8) has demonstrated

(A) professional incompetence, gross negligence or repeated negligent conduct;

(B) addiction to, severe dependency on, or habitual overuse of alcohol or other drugs which impairs the licensee's ability to practice safely;

(C) unfitness because of physical or mental disability;

(9) engaged in unprofessional conduct or in lewd or immoral conduct in connection with the delivery of professional services to patients;

(10) has violated AS 18.16.010;

(11) has violated any code of ethics adopted by regulation by the board;

(12) has denied care or treatment to a patient or person seeking assistance from the physician if the only reason for the denial is the failure or refusal of the patient to agree to arbitrate as provided in AS 09.55.535(a); or

(13) has had a license or certificate to practice medicine in another state, territory of the United States or a province of Canada suspended or revoked unless the suspension or revocation was caused by the failure of the licensee to pay fees to that state, territory or province.

(b) In a case involving (a)(13) of this section, the final findings of fact, conclusions of law and order of the authority that suspended or revoked a license or certificate constitutes a prima facie case that the license or certificate was suspended or revoked and the grounds under which the suspension or revocation was granted. (§ 14 ch 48 SLA 1983)

NOTES TO DECISIONS

Professional incompetence standard not unconstitutionally vague. — Statutory and regulatory standard of "professional incompetence" under which physician's license may be revoked is not unconstitutionally vague. *Storrs v. State*

Medical Bd., Sup. Ct. Op. No. 2661 (File No. 6882), 664 P.2d 547, cert. denied, 464 U.S. 937, 104 S. Ct. 346, 78 L. Ed. 2d 312 (1983), decided under former AS 08.64.330. See *Rosi v. State Medical Bd.*, Sup. Ct. Op. No. 2690 (File No. 7108), 665

P 2d 28, cert. denied, 347 U.S. 937, 104 S. Ct. 336, 78 L. Ed. 2d 512 (1953).

Sec. 08.61.330. Grounds for revocation of license. [Repealed, § 19 ch 48 SLA 1983.]

Sec. 08.61.331. Disciplinary sanctions. (a) If the board finds that a licensee has committed an act set out in AS 08.61.326(a), the board may

- (1) permanently revoke a license to practice;
- (2) suspend a license for a determinate period of time;
- (3) censure a licensee;
- (4) issue a letter of reprimand;
- (5) place a licensee on probationary status and require the licensee to

(A) report regularly to the board on matters involving the basis of probation;

(B) limit practice to those areas prescribed;

(C) continue professional education until a satisfactory degree of skill has been attained in those areas determined by the board to need improvement;

(6) impose limitations or conditions on the practice of a licensee; or

(7) impose one or more of the sanctions set out in (1) - (6) of this subsection.

(b) The board may end the probation of a licensee if it finds that the deficiencies which required this sanction have been remedied.

(c) The board may summarily suspend a license before final hearing or during the appeals process if the board finds that the licensee poses a clear and immediate danger to the public health and safety if the licensee continues to practice. A person whose license is suspended under this section is entitled to a hearing by the board no later than seven days after the effective date of the order and the person may appeal the suspension after a hearing to a court of competent jurisdiction.

(d) The board may reinstate a license that has been suspended or revoked if the board finds after a hearing that the applicant is able to practice with reasonable skill and safety.

(e) The board may suspend a license upon receipt of a certified copy of evidence that a license to practice medicine in another state or territory of the United States or province of Canada has been suspended or revoked. The suspension remains in effect until a hearing can be held by the board.

(f) The board shall be consistent in the application of disciplinary sanctions. A significant departure from earlier decisions of the board involving similar situations must be explained in findings of fact or orders made by the board. (§ 15 ch 48 SLA 1983)

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Sec. 08.64.332. Automatic suspension for mental incompetency or insanity. Notwithstanding AS 44.62, if a person holding a license to practice medicine and surgery or osteopathy under this chapter is adjudged mentally incompetent or insane by any final order or adjudication by a court of competent jurisdiction or by voluntary commitment to an institution for the treatment of mental illness, the licensee's license shall be automatically suspended by the board.

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§ 08.64.332

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§ 08.64.334

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The suspension shall continue in effect until the licensee is found or adjudged by the court to be restored to reason or until the licensee is determined to be restored to reason by a licensed psychiatrist approved by the board. (§ 10 ch 101 SLA 1974)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 08.64.334. Voluntary surrender. The board, at its discretion, may accept the voluntary surrender of a license. No license may be returned unless the board determines, under regulations established by it, that the licensee is competent to resume practice. However, no license may be returned to the licensee if the voluntary surrender resulted in the dropping or suspension of civil or criminal charges against the physician. (§ 10 ch 101 SLA 1974)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 08.64.336. Duty of physicians and hospitals to report. (a) A physician who professionally treats a person licensed to practice medicine and surgery or osteopathy in this state for alcoholism or drug addiction, or for mental, emotional or personality disorders, shall report it to the board if the physician providing treatment feels that the person may constitute a danger to the health and welfare of that person's patients or the public if that person continues in practice. The report shall state the name and address of the person and the condition found.

(b) A hospital that restricts or refuses to grant hospital privileges to a person licensed to practice medicine and surgery or osteopathy in this state because that person poses a danger to the public shall report to the board the name and address of the person and the reasons for restricting or refusing to grant hospital privileges.

(c) Upon receipt of a report under (a) or (b) of this section, the board shall investigate the matter and, upon a finding of reasonable cause, may appoint a committee of three qualified physicians to examine the licensee and report their findings to the board.

(d) If the board finds that the licensee is unable to continue to practice medicine and surgery or osteopathy with reasonable safety to the licensee's patients or the public, it shall initiate action to suspend, revoke, limit or condition the licensee's license to the extent determined necessary for the protection of the public. (§ 10 ch 101 SLA 1974; am § 16 ch 48 SLA 1983)

Effect of amendments. - The 1983 amendment rewrote this section.

insane by any final
action or by volun-
of mental illness,
ded by the board.

Sec. 08.64.340. Statement of grounds of refusal or revocation of license. If the board refuses to issue a license or revokes a license, it shall file a brief and concise statement of the grounds and reasons for the action in the office of the secretary of the board and in the depart-

ment. The statement, together with the written decision of the board, shall remain of record in the department. (§ 35-3-89 ACLA 1949; am § 23 ch 77 SLA 1969)

Article 3. Unlawful Acts.

Section

360. Penalty for practicing without a license or in violation of chapter

Sec. 08.64.360. Penalty for practicing without a license or in violation of chapter. Except for a physician assistant, a physician-trained mobile intensive care paramedic under AS 08.64.170, or a person licensed or authorized under another chapter of this title who engages in practices for which that person is licensed or authorized under that chapter, a person practicing medicine or osteopathy in the state without a valid license or permit is guilty of a class A misdemeanor. Each day of illegal practice is a separate offense. (§ 35-3-93 ACLA 1949; am § 25 ch 77 SLA 1969; am § 2 ch 5 SLA 1972; am § 11 ch 101 SLA 1974; am § 17 ch 48 SLA 1983)

122

§ 08.61.360

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§ 10 ch 37

§ 08.64.366

BUSINESS AND PROFESSIONS

§ 08.64.370

Effect of amendments. - The 1983
amendment revise this section.

Article 4. Miscellaneous Provisions.

Section

366. Liability for services rendered by a

Section

phy-ician-trained mobile intensive
care paramedic

Sec. 08.64.366. Liability for services rendered by a physician-trained mobile intensive care paramedic. An act or omission of a physician-trained mobile intensive care paramedic done or omitted in good faith while rendering emergency service to a person who is in need of immediate aid in order to avoid serious harm or loss of life does not impose any liability upon the physician-trained mobile intensive care paramedic, the supervising physician, a hospital, the officers, members of the staff, nurses, or other employees of a hospital or upon a federal, state, borough, city or other local governmental unit or upon other employees of a governmental unit; however, this section does not relieve a physician or a hospital of a duty otherwise imposed by law upon the physician or hospital for the designation or training of a physician-trained mobile intensive care paramedic or for the provision or maintenance of equipment to be used by the physician-trained mobile intensive care paramedic. (§ 14 ch 101 SLA 1974; am § 1 ch 122 SLA 1986)

Cross references. - For civil liability
for emergency aid, see AS 09.65.090.

Effect of amendments. -- The 1986
amendment substituted "An" for "No" and
substituted "while rendering emergency
service to a person who is in need of im-

mediate aid in order to avoid serious harm
or loss of life does not" for "while render-
ing emergency life saving service to a per-
son who is in immediate danger of loss of
life shall" near the beginning of the sec-
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Sec. 08.61.367. Prescription or administration of laetrile by physicians. (a) A physician may not be subject to disciplinary action by the State Medical Board for prescribing or administering amygdalin (laetrile) to a patient under the physician's care who has requested the substance unless the State Medical Board in a hearing conducted under the Administrative Procedure Act (AS 44.62) has made a formal finding that the substance is harmful.

(b) A hospital or health facility may not interfere with the physician-patient relationship by restricting or forbidding the use of amygdalin (laetrile) when prescribed or administered by a physician and requested by a patient unless the substance as prescribed or administered by the physician is found to be harmful by the State Medical Board in a hearing conducted under the provisions of the Administrative Procedure Act (AS 44.62). (§§ 1, 2 ch 227 SLA 1976)

Editor's notes. -- This section was with AS 01.05.031(c) and § 4, Chapter 58, redrafted by the revisor of statutes to SLA 1982. remove personal pronouns in conformity

Sec. 08.61.368. Permits for isolated areas.

Repealed by § 27 ch 148 SLA 1970.

Article 5. General Provisions.

Section

370. Persons not affected

380. Definitions

Sec. 08.61.370. Persons not affected. This chapter does not apply to

(1) officers in the regular medical service of the armed services of the United States or the United States Public Health Service while in the discharge of their official duties;

(2) a physician or osteopath, who is not a resident of this state, who is asked by a physician or osteopath licensed in this state to help in the diagnosis or treatment of a case;

(3) the practice of the religious tenets of a church;

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(§ 35-3-93
2; am § 11

(4) a person while serving as a student, intern, resident physician, or fellow at a hospital, clinic, or medical facility in the state;

(5) a physician in the regular medical service of the United States Public Health Service or the armed services of the United States volunteering services without pay or other remuneration to a hospital, clinic, medical office, or other medical facility in the state;

(6) a person who is registered as a lay midwife by the Department of Health and Social Services under AS 18.05.040 or who is excluded from registration under AS 18.05.057 while engaged in the practice of lay midwifery whether or not the person accepts compensation for those services. (§ 35-3-97 ACLA 1949; am § 4 ch 93 SLA 1965; am § 26 ch 77 SLA 1969; am §§ 23, 24 ch 148 SLA 1970; am §§ 1, 2 ch 88 SLA 1972; am § 13 ch 127 SLA 1974; am § 1 ch 33 SLA 1985)

Effect of amendments. -- The 1985 amendment designated former paragraphs (5) and (6) as present paragraphs (4) and (5) and added present paragraph (6).

See, 08.61.350. Definitions. As used in this chapter

(1) "board" means the State Medical Board;

(2) "practice of medicine" or "practice of osteopathy" means:

(A) for a fee, donation or other consideration, to diagnose, treat, operate on, prescribe for, or administer to, any human ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition; or to attempt to perform or represent that a person is authorized to perform any of the acts set out in this subparagraph;

(B) to use or publicly display a title in connection with a person's name including "doctor of medicine," "physician," "M.D.," or "doctor of osteopathic medicine" or "D.O." or a specialist designation including "surgeon," "dermatologist," or a similar title, or any title which tends to show that the person is willing or qualified to diagnose or treat the sick or injured;

(3) [Repealed, § 19 ch 48 SLA 1983.]

(4) [Repealed, § 27 ch 148 SLA 1970.]

(5) "department" means the Department of Commerce and Economic Development;

(6) "acupuncture" means a medical practice to cure disease or relieve pain, alter function or induce anesthesia by piercing portions of the body with needles;

(7) "physician-trained mobile intensive care paramedic" means a person who

(A) has successfully completed the advanced first aid course prescribed by the board;

(B) is trained by a licensed physician

(i) to carry out all phases of cardio-pulmonary resuscitation,

(ii) to administer drugs under written or oral authorization of a licensed physician;

(iii) to administer intravenous solutions under written or oral authorization of a licensed physician; and

(C) has been examined and certified as a physician-trained mobile intensive care paramedic by the board or by the board's designated representatives;

(8) "emergency lifesaving service" means medical assistance given to a person whose physical condition, in the opinion of a reasonably prudent person, is such that the person's life is endangered;

(9) "practice of podiatry" means the medical, mechanical, and surgical treatment of ailments of the foot, the muscles and tendons of the leg governing the functions of the foot, and superficial lesions of the hand other than those associated with trauma; the use of preparations, medicines, and drugs as are necessary for the treatment of these ailments; the treatment of the local manifestations of systemic diseases as they appear in the hand and foot, except that

(A) a patient shall be concurrently referred to a physician or osteopath for the treatment of the systemic disease itself;

(B) general anaesthetics may be used only in colleges of podiatry approved by the State Medical Board and in hospitals approved by the joint commission on the accreditation of hospitals, or the American Osteopathic Association; and

(C) the use of X-ray or radium for therapeutic purposes is not permitted.

(10) "practice of lay midwifery" has the meaning given in AS 18.05.070. (§§ 35-3-88, 35-3-94 ACLA 1949; am § 27 ch 77 SLA 1969; am § 3 ch 103 SLA 1970; am §§ 25 - 27 ch 148 SLA 1970; am § 9 ch 32 SLA 1971; am § 1 ch 117 SLA 1971; am § 4 ch 85 SLA 1972; am § 4 ch 21 SLA 1974; am §§ 12, 13 ch 101 SLA 1974; am § 1 ch 127 SLA 1975; am § 4 ch 24 SLA 1976; am §§ 27 - 29, 41 ch 177 SLA 1978; am § 6 ch 45 SLA 1982; am §§ 18, 19 ch 48 SLA 1983; am § 2 ch 33 SLA 1985)

Effect of amendments. — The first 1983 amendment, rewrote paragraph (2). The second 1983 amendment repealed paragraph (3). The 1985 amendment added paragraph (10).

Original sponsors: Sund, Koponen,
Taylor and Zawacki

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 70 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the State Medical Board and to
7 services provided for boards established under AS 08;
8 amending Rule 504(d) of the Alaska Rules of Evidence;
9 and providing for an effective date."

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

11 * Section 1. AS 08.01.050(c) is amended to read:

12 (c) After consulting with the State Medical Board (AS 08.64.-
13 J10), the department shall employ two persons [AN INDIVIDUAL] who are
14 not members [IS NOT A MEMBER] of the board; one shall [TO] be assigned
15 as the investigator for the board; the other shall be assigned as the
16 executive secretary for the board. The investigator shall

17 (2) at the request of the State Medical Board, conduct
18 investigations based on complaints filed with the department or with
19 the board; and

20 (1) conduct investigations into alleged violations of AS
21 08.64, and into alleged violations of regulations and orders of the
22 State Medical Board;

23 (3) be directly responsible and accountable to the State
24 Medical Board, except that only the department has authority to termi-
25 nate the investigator's employment and the department shall provide
26 day to day and administrative supervision of the investigator.

27 * Sec. 2. AS 08.01.065(c) is amended to read:

28 (c) A fee established under this section must reflect, to the
29 extent possible, the actual costs to the department of the activity

1 for which the fee is charged. The actual or anticipated costs to the
2 department of services provided to or on behalf of a board must re-
3 fect, to the extent possible, the amount of fees the department
4 collects from persons in occupations regulated by the board.

5 * Sec. 3. AS 08.03.010(c)(11) is amended to read:

6 (11) State Medical Board (AS 08.64.010) -- June 30, 1991
7 [JUNE 30, 1987].

8 * Sec. 4. AS 08.64.101 is amended to read:

9 Sec. 08.64.101. DUTIES. The board shall

10 (1) examine and issue licenses to applicants;

11 (2) develop written guidelines to insure that licensing
12 requirements are not unreasonably burdensome and the issuance of
13 licenses is not unreasonably withheld or delayed;

14 (3) submit an annual report of its proceedings to the
15 governor, including a statement of money received and disbursed;

16 (4) after a hearing, impose disciplinary sanctions on
17 persons who violate this chapter, or the regulations or orders of the
18 board;

19 (5) adopt regulations insuring that renewal of licenses is
20 contingent upon proof of continued competency on the part of the
21 licensee; and

22 (6) coordinate with private professional organizations to
23 establish an impaired medical professionals program to treat persons
24 licensed under this chapter who abuse addictive substances.

25 * Sec. 5. AS 08.64.200 is amended by adding a new subsection to read:

26 (b) The board shall determine whether each physician applicant
27 has any disciplinary or other actions recorded in the nationwide
28 disciplinary data bank of the Federation of State Medical Boards.

29 * Sec. 6. AS 08.64.210(b) is repealed and reenacted to read:

1 (b) The deadline for submitting an exam application to the board
2 shall be established by regulation.

3 * Sec. 7. AS 08.64.220(a) is repealed and reenacted to read:

4 (a) The board shall offer a written examination sufficient to
5 test the applicant's fitness to practice medicine or osteopathy.

6 * Sec. 8. AS 08.64.255 is amended to read:

7 Sec. 08.64.255. INTERVIEW REQUIRED. All applicants for licen-
8 sure must [A LICENSE UNDER AS 08.64.250 SHALL] be interviewed in
9 person by at least one member of the board before a license will be
10 issued. The interview must [SHALL] be recorded. If [, AND, IF] the
11 application is denied on the basis of the interview, the denial must
12 [SHALL] be stated in writing, with the reasons for it, and the record
13 must [SHALL] be preserved.

14 * Sec. 9. AS 08.64.311 is repealed and reenacted to read:

15 Sec. 08.64.311. LICENSE RENEWAL. The department shall establish
16 license renewal dates. Licenses shall be renewed biennially, unless
17 the commissioner, by regulation, provides for more frequent renewals.

18 * Sec. 10. AS 08.64.313 is repealed and reenacted to read:

19 Sec. 08.64.313. INACTIVE LICENSE. A licensee who does not
20 practice in the state may hold an inactive license. A person who
21 practices in the state, however infrequently, shall hold an active
22 license.

23 * Sec. 11. AS 08.64.331(a) is amended to read:

24 (a) If the board finds that a licensee has committed an act set
25 out in AS 08.64.326(a), the board may

- 26 (1) permanently revoke a license to practice;
27 (2) suspend a license for a determinate period of time;
28 (3) censure a licensee;
29 (4) issue a letter of reprimand;

1 (5) place a licensee on probationary status and require the
2 licensee to

3 (A) report regularly to the board on matters involving
4 the basis of probation;

5 (B) limit practice to those areas prescribed;

6 (C) continue professional education until a satisfac-
7 tory degree of skill has been attained in those areas determined
8 by the board to need improvement;

9 (6) impose limitations or conditions on the practice of a
10 licensee; [OR]

11 (7) impose a civil fine of not more than \$10,000; or

12 (8) impose one or more of the sanctions set out in (1) -
13 (7) [(.) - (6)] of this subsection.

14 * Sec. 12. AS 08.64.332 is repealed and reenacted to read:

15 Sec. 08.64.332. AUTOMATIC SUSPENSION FOR MENTAL INCOMPETENCY OR
16 INSANITY. Notwithstanding AS 44.62, if a person holding a license to
17 practice medicine or osteopathy under this chapter is adjudged mental-
18 ly incompetent or insane by a final order or adjudication of a court
19 of competent jurisdiction or by voluntary commitment to an institution
20 for the treatment of mental illness, the person's license shall be
21 suspended by the board. The suspension shall continue in effect until
22 the court finds or adjudges that the person has been restored to
23 reason or until a licensed psychiatrist approved by the board deter-
24 mines that the person has been restored to reason.

25 * Sec. 13. AS 08.64 is amended by adding a new section to read:

26 Sec. 08.64.335. REPORTS OF DISCIPLINARY ACTION OR LICENSE SUS-
27 PENSION OR SURRENDER. The board shall promptly report to the Federa-
28 tion of State Medical Boards for inclusion in the nationwide disci-
29 plinary data bank license refusals under AS 08.64.240, actions taken

1 by the board under AS 08.64.331, and license suspensions or surrenders
2 under AS 08.64.332 or 08.64.334.

3 * Sec. 14. AS 08.64.336 is repealed and reenacted to read:

4 Sec. 08.64.336. DUTY OF PHYSICIANS AND HOSPITALS TO REPORT. (a)
5 A physician who professionally treats a person licensed to practice
6 medicine or osteopathy in this state for alcoholism or drug addiction,
7 or for mental, emotional, or personality disorders, shall report it to
8 the board if there is probable cause that the person may constitute a
9 danger to the health and welfare of that person's patients or the
10 public if that person continues in practice. The report shall state
11 the name and address of the person and the condition found.

12 (b) A hospital that revokes, suspends, conditions, restricts,
13 or refuses to grant hospital privileges to, or imposes a consultation
14 requirement on, a person licensed to practice medicine or osteopathy
15 in the state shall report to the board the name and address of the
16 person and the reasons for the action. A hospital shall also report
17 to the board the name and address of a person licensed to practice
18 medicine or osteopathy in the state if the person resigns hospital
19 staff privileges while under investigation by the hospital or a com-
20 mittee of the hospital and the investigation could result in the
21 revocation, suspension, conditioning, or restricting of, or the re-
22 fusal to grant, hospital privileges, or in the imposition of a consul-
23 tation requirement. A report is required under this subsection re-
24 gardless of whether the person voluntarily agrees to the action taken
25 by the hospital. A report is not required if the sole reason for the
26 action is the person's failure to complete hospital records in a
27 timely manner or to attend staff or committee meetings. In this
28 subsection "consultation requirement" means a restriction placed on a
29 person's existing hospital privileges requiring consultation with a

1 designated physician or group of physicians in order to continue to
2 exercise the hospital privileges.

3 (c) Upon receipt of a report under (a) or (b) of this section,
4 the board shall investigate the matter and, upon a finding that there
5 is reasonable cause to believe that the person who is the subject of
6 the report is a danger to the health or welfare of the public or to
7 the person's patients, the board may appoint a committee of three
8 qualified physicians to examine the person and report its findings to
9 the board. Notwithstanding the provisions of this subsection, the
10 board may summarily suspend a license under AS 08.64.331(c) before
11 appointing an examining committee or before the committee makes or
12 reports its findings.

13 (d) If the board finds that a person licensed to practice medi-
14 cine or osteopathy is unable to continue in practice with reasonable
15 safety to the person's patients or to the public, the board shall
16 initiate action to suspend, revoke, limit, or condition the person's
17 license to the extent necessary for the protection of the person's
18 patients and the public.

19 (e) A physician, hospital, or hospital committee that in good
20 faith submits a report under this section or participates in an inves-
21 tigation or judicial proceeding related to a report submitted under
22 this section is immune from civil or criminal liability for the sub-
23 mission or participation.

24 (f) A physician or hospital may not refuse to submit a report
25 under this section or withhold from the board or its investigators
26 evidence related to an investigation under this section on the grounds
27 that the report or evidence

28 (1) concerns a matter that was disclosed in the course of a
29 confidential physician-patient or psychotherapist-patient relationship

1 or during a meeting of a hospital medical staff, governing body, or
2 committee that was exempt from the public meeting requirements of
3 AS 44.62.310; or

4 (2) is required to be kept confidential under AS 18.23.030.

5 * Sec. 15. AS 08.64 is amended by adding a new section to read:

6 Sec. 08.64.338. MEDICAL AND PSYCHIATRIC EXAMS. For the purposes
7 of an investigation under this chapter, the board may order a person
8 to whom it has issued a license or permit to submit to a medical or
9 psychiatric examination by a physician or other practitioner of the
10 healing arts appointed by the board. An examination shall be at the
11 board's expense. An examination may include the required submission
12 of biological specimens requested by the examining physician or prac-
13 titioner.

14 * Sec. 16. AS 18.23.030 is amended by adding a new subsection to read:

15 (d) Notwithstanding the provisions of (b) and (c) of this
16 section, information contained in a report submitted to the State
17 Medical Board, and information gathered by the board during an inves-
18 tigation, under AS 08.64.336 is not subject to subpoena or discovery
19 unless and until the board takes action to suspend, revoke, limit, or
20 condition a license of the person who is the subject of the report or
21 investigation.

22 * Sec. 17. Rule 504(d) of the Alaska Rules of Evidence is amended to
23 read:

24 (d) EXCEPTIONS. There is no privilege under this rule:

25 (1) Condition and Element of Claim or Defense. As to
26 communications relevant to the physical, mental or emotional condition
27 of the patient in any proceeding in which the condition of the patient
28 is an element of the claim or defense of the patient, of any party
29 claiming through or under the patient, of any person raising the

1 patient's condition as an element of his own case, or of any person
2 claiming as a beneficiary of the patient through a contract to which
3 the patient is or was a party; or after the patient's death, in any
4 proceeding in which any party puts the condition in issue.

5 (2) Crime or Fraud. If the services of the physician or
6 psychotherapist were sought, obtained or used to enable or aid anyone
7 to commit or plan a crime or fraud or to escape detection or apprehen-
8 sion after the commission of a crime or a fraud.

9 (3) Breach of Duty Arising Out of Physician-Patient Rela-
10 tionship. As to a communication relevant to an issue of breach, by
11 the physician, or by the psychotherapist, or by the patient, of a duty
12 arising out of the physician-patient or psychotherapist-patient rela-
13 tionship.

14 (4) Proceedings for Hospitalization. For communications
15 relevant to an issue in proceedings to hospitalize the patient for
16 physical, mental or emotional illness, if the physician or psycho-
17 therapist, in the course of diagnosis or treatment, has determined
18 that the patient is in need of hospitalization.

19 (5) Required Report. As to information that the physician
20 or psychotherapist or the patient is required to report to a public
21 employee, or as to information required to be recorded in a public
22 office, if such report or record is open to public inspection, or as
23 to information or matters contained in or reasonably raised by a
24 report submitted under AS 08.64.336, other than information that would
25 establish the identity of a patient, unless the court finds that it is
26 necessary to admit the identifying information in order to serve the
27 interests of justice.

28 (6) Examination by Order of Judge. As to communications
29 made in the course of an examination ordered by the court of the

1 physical, mental or emotional condition of the patient, with respect
2 to the particular purpose for which the examination is ordered unless
3 the judge orders otherwise. This exception does not apply where the
4 examination is by order of the court upon the request of the lawyer
5 for the defendant in a criminal proceeding in order to provide the
6 lawyer with information needed so that he may advise the defendant
7 whether to enter a plea based on insanity or to present a defense
8 based on his mental or emotional condition.

9 (7) Criminal Proceeding. For physician-patient communica-
10 tions in a criminal proceeding. This exception does not apply to the
11 psychotherapist-patient privilege.

12 * Sec. 18. AS 08.64.260(b), (c), and (d) are repealed.

13 * Sec. 19. The commissioner of commerce and economic development may
14 impose a one-time surcharge on persons licensed under AS 08.64 to cover the
15 costs during fiscal year 1988 of employing an investigator and an executive
16 secretary for the State Medical Board required under AS 08.01.050(c), as
17 amended by sec. 1 of this Act. In subsequent fiscal years, these positions
18 shall be considered services to the State Medical Board for purposes of
19 establishing fees under AS 08.01.065.

20 * Sec. 20. Section 19 of this Act takes effect on the effective date of
21 the section or sections of a version of the bill containing the operating
22 budget for fiscal year 1988 that authorizes fiscal year 1988 funding for
23 the positions of investigator and executive secretary of the State Medical
24 Board, established under AS 08.01.050(c), as amended by sec. 1 of this Act.

SENATE COMMITTEE REPORT

FURTHER: JUDICIARY
FINANCE

4/7/87

DATE TURNED INTO OFFICE _____

Mr. President:

LABOR & COMMERCE

Committee considered _____ CSHB 70(Fin) am

State Medical Board and to services provided for boards established under AS 08; amending Rule 504(d) of the Alaska Rules of Evidence; efd.

and recommended:

replace with _____ CS FOR _____) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact - HOUSE

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures: Rick Kelly, Mike Spence, etc.]

[Handwritten signature: Tim Kelly-DoPass]

Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FURTHER: FINANCE

4/28/87

DATE TURNED INTO OFFICE

5/7/87

Mr. President:

JUDICIARY

Committee considered

CSHB 70(Fin)am

State Medical Board and to services provided for boards established under AS 03; amending Rule 504(d) of the Alaska Rules of Evidence; efd.

and recommended:

[X] replace with
[] or adopt

SCS FOR CSHB 70 (JUD)
CS FOR

[X] same title
[] new title

[] attached amendment(s) and

[X] majority do pass

[] do not pass

[] no recommendation

[X] individual recommendations

[] further referral to

[] letter of intent adopted

Committee [] attached or [] adopted fiscal note(s)

[] new [] updated or [X] previous
[] zero [X] fiscal impact

Name

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

John Foley
Rep. Joe...
Cecil Sturgulinski

Chairman signature and recommendation

[] Committee Backup Attached

HB

74

JOHN SUND, REPRESENTATIVE
2504 2nd Avenue
Ketchikan, Alaska 99901
(907) 225-5552

While in Juneau
P. O. Box V
Juneau, Alaska 99811
(907) 465-4919

To: Representative Adams
Chair, House Finance Committee

From: Representative Sund

Date: March 3, 1987

Subj: House Bill 74
Personalized Motorcycle License Plates
Scheduling Request

House Bill 74 would allow motorcycle owners to obtain personalized license plates. Car, truck and motor home owners already have this option. House Bill 74 simply adds motorcycles to the already established program.

Currently, the state charges an additional \$30 license fee for personalized plates above the standard \$35 fee for cars and motor homes and the \$40 license fee for trucks and vans. The rate for motorcycle license fees is \$20.

Allowing motorcycles owners to obtain personalized license plates would generate additional revenue to the state. Please see the attached fiscal analysis.

I would appreciate it if you could schedule HB 74 sometime in the near future.

BILL NO: CSHB 74(Tran)

DATE: March 5, 1987

TITLE: An Act relating to
motorcycle license plates

CONTACT: Bill Brown
465-4335

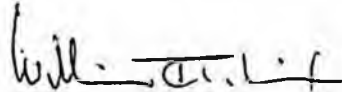
DEPARTMENT OF
PUBLIC SAFETY

Current law authorizes issuance of personalized (vanity) license plates for use on passenger vehicles, noncommercial vans or pickup trucks, and motor homes. This bill includes motorcycles as a type of vehicle for which the department may issue personalized plates.

The inclusion of motorcycles as a class of vehicle that would be eligible for a personalized license plate would have a slight impact on the department. Special plates do require extra processing and handling, thus take considerable more time when originally applied for than a regular registration.

As a result of the FY88 budget decrement the Division of Motor Vehicles may discontinue issuing personalized license plates as of July 1, 1987. It is realized there will be few requests for personalized motorcycle plates. However, if the position in the Special Program Unit of DMV, which now issues personalized plates, is not funded in the operating budget it is the intent of the department to not issue any personalized license plates under AS 28.10.181(c), including motorcycles.

The department is opposed to this bill because it is felt that a time when we are cutting positions and functions is not the time to be adding additional duties.



WILLIAM R. NIX
Acting Commissioner

(g) The department shall issue to the registered owner, upon receipt of the proper application and fees, registration plates, tabs and registration form displaying the month and year in which the registration expires.

(h) The department shall mail notice of registration expiration to the registered owner of record at the owner's mailing address as shown in the records of the department. An owner of a vehicle subject to registration who has received notice under this subsection may renew registration of the vehicle by returning the notice form, together with appropriate fees, to the department by mail postmarked no later than the fifth day of the registration renewal period shown upon the vehicle's current registration or notice form. Upon receipt of a timely postmarked registration renewal and the appropriate fees and taxes, the department shall renew the registration and mail the current registration card and registration plates or tabs to the owner at the owner's mailing address as shown in the department's records.

(i) If a vehicle is held for sale by a dealer, the requirement of registration and payment of fees and taxes does not apply until the vehicle is sold to a party other than another dealer. The exemption from payment of fees and taxes under this subsection applies only if

(1) the dealer is registered with the state; and

(2) the vehicle for which the exemption is sought can be shown to be part of the dealer's inventory at the time of exemption.

(j) The purchaser of a vehicle for which registration and taxes have been held in abeyance under (i) of this section shall register the vehicle within five working days of purchase and pay the prorated fees and taxes required by the department.

(k) The department shall prorate fees in monthly increments to allow for registration of vehicles in more or less than one-year periods when required by any provision of this section. (§ 38 ch 21 SLA 1985)

Sec. 28.10.111. Renewal of registration. (a) Application for the renewal of vehicle registration shall be made by completing the proper form and paying any required fee and tax.

(b) The department may receive an application for the renewal of vehicle registration and issue a new certificate of registration at any time before the expiration of the annual registration as prescribed in regulations adopted by the commissioner. Nothing in this section prevents the commissioner from providing for multi-year registration; however, a person may not display the new registration plates on a vehicle before a date which may be set by the commissioner. (§ 7 ch 178 SLA 1978; am § 39 ch 21 SLA 1985)

Effect of amendments. — The 1985 fee required under AS 42" at the end of amendment deleted ", and any motor subsection (a).
freight carrier fee or bus transportation

Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes. (a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h) and (i) of this section. Registration plates issued under this section may not be used on, or transferred to, a vehicle other than the vehicle for which the plates are issued without the approval of the department and payment of any required fees and taxes prescribed in AS 28.10.421(d), 28.10.431 and 28.10.441; however, if the plates issued under (c), (f) and (j) of this section are transferred to a vehicle for which the registration fee is more than the fee for the vehicle from which the plates are transferred, the owner shall pay the difference between the two fees. Registration plates issued under this section to which a person is no longer entitled or the transfer of the plates to another vehicle which the department does not approve shall be returned immediately to the department by the person or organization to whom the plates were originally issued.

(b) Historic vehicles. The owner of an historic vehicle may make application for special registration under this subsection. The department, when satisfied that the vehicle meets the requirements for historic vehicle registration under regulations adopted by the commissioner, shall register the vehicle and issue two permanent registration plates of distinctive design and color bearing no date. These plates remain with the vehicle as long as it is registered under this subsection. Vehicles qualifying for registration under this subsection shall be issued registration plates numbered in a separate numerical series beginning with "Historic Vehicle No. 1."

(c) ~~Special request plates. Upon application by the owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home, the department may design and issue registration plates containing a series of not more than six letters or numbers or combination of letters and numbers as requested by the owner. The department may, in its discretion, disapprove the issuance of registration plates under this subsection when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the department.~~

(d) Vehicles owned by disabled veterans and handicapped persons. A person who presents to the department written proof that the per-

son is at least 70 per cent disabled or medically handicapped and should be given special consideration by the public with respect to the parking or standing of the person's vehicle in designated spaces, may register one passenger vehicle without charge. The proof required under this subsection may consist of evidence that the person receives at least 70 percent disability compensation from a government agency at the time of registration or an affidavit signed by a physician licensed to practice medicine in this state. Upon the request of the applicant the department shall issue a specially designed registration plate which displays

(1) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the armed forces of the United States; or

(2) the standard handicap symbol (the wheelchair logo).

(e) Vehicles owned by the state, municipalities, and charitable organizations of the state. Every certificate of registration and registration plate issued to the state, a municipality or charitable organization

of the state is in effect until the vehicle for which the registration certificate and plate were issued is no longer owned and operated by the state, the municipality or the charitable organization of the state or until the department, in its discretion, declares its expiration. The state, municipality or charitable organization of the state shall maintain a current listing of all vehicles registered to it in the order of the registration number assigned to each vehicle, and shall provide a copy of the listing to the department upon request. The listing shall include a description of each vehicle and other identifying information required by the department. Registration plates issued under this subsection shall be of a distinctive design and numbering system. For the purposes of this subsection, "charitable organization" means a non-

profit association, corporation, society or other entity organized, incorporated or headquartered in the state for educational, cultural, scientific or other charitable purposes, as prescribed in regulations of the department.

(f) Vehicles owned by elected state officials. The department shall issue special registration plates to each incumbent elected state official for display on noncommercial motor vehicles owned and driven by the official. The department shall number or design the plates so that registration by an elected state official is indicated upon the plates. The registration plates issued under this subsection remain with the owner of the vehicle only during the official's term of office.

(g) Vehicles owned by consular officers of foreign governments. A vehicle owned by a consular officer of a foreign government shall be issued registration plates displaying the title "consular corps" or "cc." However, the commissioner may waive the registration of consular vehicles and the payment of fees and taxes when consistent with international treaties or agreements.

(h) Vehicles owned by ranchers, farmers, and dairymen. A vehicle not exceeding an unladen total gross weight of 16,000 pounds, owned by a person deriving the person's primary source of livelihood from the operation of a ranch, farm, or dairy where the person resides full-time, and which vehicle is used exclusively to transport the person's own ranch, farm, or dairy products to and from the market or to transport supplies, commodities or equipment to be used on the person's ranch, farm or dairy, may be registered under this subsection and may be issued registration plates of a distinctive design or system of numbering.

(i) Amateur mobile radio station vehicles. A validly licensed amateur radio operator who presents satisfactory proof that the owner holds an unexpired Federal Communications Commission amateur radio operator's license of any renewable class, and who presents satisfactory proof that the vehicle contains or carries an amateur radio transmitter and receiving unit of a type applicable to the license class applied for, and who is permitted by law to operate a fixed station, may register one amateur mobile radio station vehicle for each radio license issued by the federal government and may receive for the vehicle distinctive registration plates instead of regular registration plates. The number on the plates shall be the radio call sign of the owner.

(j) Vehicles owned by dealers. A state-registered and bonded vehicle dealer may apply for dealer registration plates. A plate issued under this subsection may be used only on dealer-owned vehicles during the routine and normal course of the dealer's business, excluding service vehicles, or for transporting an unregistered vehicle from a port of entry to the dealer's facilities or from one dealer to another or, in the case of a house trailer, from the retail facility to a trailer space. If the dealer sells or transfers the vehicle, the dealer plates may be used on the vehicle by the new owner or transferee for a period of not more than five days after the sale or transfer. The department may seize the dealer plates if it has reason to believe that the plates are being used to defeat the purposes of, or are in violation of, this chapter.

(k) Occasional users of highways. The department may issue a license to the owner of a vehicle which is only occasionally used on a highway. The applicant must show to the satisfaction of the department that the vehicle to be licensed under this subsection will travel upon state highways less than five per cent of its total hours of operation. The department may not issue more than two licenses under this subsection to a single person.

(l) Vehicles owned by former prisoners of war. The department, upon receipt of written proof, may issue without charge special registration plates for one noncommercial motor vehicle to a person who has been a prisoner of war during a declared war or other conflict, as determined by the Department of Defense under federal regulations.

The design and color of the prisoner of war plates shall be solely within the discretion of the commissioner.

(m) Special request plates for Alaska National Guard personnel. Upon application by the owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home who presents satisfactory proof of current membership in the Alaska National Guard, the department may design and issue registration plates that identify the vehicle as registered to a member of the Alaska National Guard. The owner shall return the registration plates to the department within 10 days following discharge from the Alaska National Guard. (§ 7 ch 178 SLA 1978; am § 2 ch 54 SLA 1979; am § 1 ch 151 SLA 1984; am § 5 ch 60 SLA 1986)

Effect of amendments. — The 1986 amendment added subsection (m).

Article 2. Title.

Sec. 28.10.261. Evidence.

NOTES TO DECISIONS

Applied in Keltner v. Curtis, Sup. Ct. Op. No. 2913 (File No. S-162), 695 P.2d 723 (1985).

Article 3. Transfer of Vehicle.

Section 321. New owner to secure transfer of registration and new title

Sec. 28.10.321. New owner to secure transfer of registration and new title. (a) Except as provided under AS 28.10.281 and 28.10.291, the new owner shall, within 30 days, present the certificates of title and registration properly endorsed to the department, apply for a new title, and register the vehicle as upon an original registration.

(b) An application for certificates of title and registration shall be accompanied by any required registration fees and taxes, transfer of title and lien fees, and by the previous certificates of title and registration, if any. (§ 7 ch 178 SLA 1978; am § 40 ch 21 SLA 1985)

Effect of amendments. — The 1985 amendment deleted "and motor freight carrier or bus transportation fees, if any," following "lien fees" in subsection (b).

Article 5. Fees and Charges.

Section 411. Registration fees levied	Section 431. Annual motor vehicle registration tax
421. Registration fee rates	
423. Emission control inspection program fees	

Sec. 28.10.411. Registration fees levied. (a) For every year during any part of which a vehicle is subject to registration under this chapter, a registration fee shall be paid to the department at the time of original registration and at each annual renewal of registration after that time.

(b) [Repealed, 1983 Initiative Proposal No. 2, § 6.]

(c) [Repealed effective January 1, 1987] A resident 65 years of age or older is entitled to an exemption from tax under this section for one motor vehicle subject to registration. An exemption may not be granted except upon written application for the exemption on a form prescribed by the department.

(d) [Repealed, § 41 ch 37 SLA 1986.]

(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under AS 28.10.421(b)(1), (2), (5), (6) or (d) shall include all fees required for entry into and use of a state park or campground.

(f) A resident 65 years of age or older on January 1 of the year the vehicle is registered is entitled to an exemption from the registration fee required under this section for one motor vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or (6). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department. (§ 7 ch 178 SLA 1978; am 1983 Initiative Proposal No. 2, § 6; am § 85 ch 6 SLA 1984; am § 41 ch 37 SLA 1986; am § 6 ch 60 SLA 1986; am § 6 ch 70 SLA 1986)

Effect of amendments. — The 1985 amendment repealed subsection (b), concerning payment of motor carrier fees.

The second 1986 amendment added subsection (f).

The first 1986 amendment, effective May 26, 1986, repealed subsection (d), concerning payments by the Department of Community and Regional Affairs.

The third 1986 amendment, effective January 1, 1987, repealed subsection (c), concerning exemption for residents 65 years of age or older.

Sec. 28.10.421. Registration fee rates. (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under AS 28.10.108 and 28.10.111.

(b) The annual registration fees under this subsection are imposed within the following classifications for:

(1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use \$35;

(2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use \$40;

(3) a taxicab \$70;

(4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists \$85;

~~(5) a motorcycle or a motor-driven cycle \$20;~~

(6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer \$ 5.

(c) The annual registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, for a vehicle, including a motor vehicle pulling a trailer or semi-trailer, used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial use, including a commercial vehicle such as a trailer, semi-trailer, truck, wrecker, tow car, hearse, ambulance, and tractor, as follows:

(1) up to and including 5,000 pounds \$50;

(2) more than 5,000 pounds to and including 12,000 pounds \$85;

(3) more than 12,000 pounds to and including 18,000 pounds \$155;

(4) more than 18,000 pounds \$220.

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

(1) an historic vehicle (one time only upon initial registration under AS 28.10.181) \$10;

~~(2) special request plates including those authorized for use by Alaska National Guard personnel only \$30;~~

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

(3) a vehicle owned by a disabled veteran or other handicapped person, and registered under AS 28.10.181 or a resident 65 years of age or older who files a written application for an exemption on a form prescribed by the department none;

(4) a vehicle owned by the state none;

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

(6) a vehicle owned by a consular officer, unless waived under AS 28.10.181 \$35;

(7) a vehicle owned by a rancher, farmer, or dairyman and registered under AS 28.10.181 \$35;

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

(9) an amateur mobile radio station vehicle,

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

(B) in recognition of service to the public: a mobile amateur radio station owned by an amateur with general class or higher license, provided the station must be satisfactorily proved capable of operating on at least five bands from 160 through 10 meters, must have an antenna, and must have a power supply and wiring as a permanent part of the vehicle; the transmitting unit may be removed from the car for service or dry storage none for a mobile amateur radio station vehicle included in (b)(1) or (2) of this section;

(10) dealer registration plates,

(A) the initial set of plates \$45;

(B) each subsequent set of plates \$25;

(11) a vehicle owned by a municipality or charitable organization meeting the requirements of AS 28.10.181(c) \$ 5;

(12) an occasional use vehicle under AS 28.10.181(k) \$15;

(13) a vehicle owned by a former prisoner of war none.

(e) A vehicle registered under this section which, by the removal of seats, a camper unit, a canopy or other equipment, may be converted into a vehicle on which the registration fee is computed on a different basis or in a different amount may not be driven or moved with seats, camper unit, canopy or other equipment removed unless the other applicable registration fee is paid. (§ 7 ch 178 SLA 1978; am §§ 4, 5 ch 54 SLA 1979; am § 2 ch 151 SLA 1984; am § 41 ch 21 SLA 1985; am §§ 7 — 9 ch 60 SLA 1986; am § 1 ch 70 SLA 1986)

Effect of amendments. — The 1985 amendment substituted "AS 28.10.108 and 28.10.111" for "AS 28.10.101 — 28.10.111" at the end of subsection (a).

The first 1986 amendment increased the fees in paragraphs (1) through (5) of subsection (b), increased the fees in subsection (c), and in subsection (d) in paragraph (2) added "including those authorized for use by Alaska National Guard personnel only" and increased the fee, in

paragraph (3) substituted "files a written application for an exemption on a form prescribed by the department" for "complies with AS 28.10.411(c)," and increased the fees in paragraphs (6), (7) and (10).

The second 1986 amendment of paragraph (3) of subsection (d) made by § 1, ch. 70, SLA 1986 was identical to the amendment made by § 9, ch. 60, SLA 1986, which is already in effect.

HOUSE COMMITTEE REPORT

(11)

Date referred: 3/2/87

FURTHER REFERRALS:

DATE: 3/18/87

The Finance Committee has considered HB 74

"An Act relating to motorcycle license plates."

RECOMMENDS:

- replace with C.S HB74 (Trsp) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis
- same as previous fiscal note published 2/9/87
- same as previous zero fiscal note published _____

SIGNING DO PASS:

ADAMS Albert G. Adams

BURCHETT John Burdett

ARSON Donald A. Arson

DILL John Dill

BROWN Tom Brown

WALLIS F. Kay Wallis

AVIS Michael Avis

BOYER Mark Boyer

RIEGER Steve Rieger

FRANK Frank

WACK-AMMER Wack-Ammer

SIGNING OTHER RECOMMENDATIONS:

Albert G. Adams
Chairman's signature

Original sponsors: Sund, Gruenberg,
Taylor and Donley

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 74 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motorcycle license plates."

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

8 * Section 1. AS 28.10.181(c) is amended to read:

9 (c) Special request plates. Upon application by the owner of a
10 passenger vehicle, noncommercial van or pick-up truck, or motor home,
11 the department may design and issue registration plates containing a
12 series of not more than six letters or numbers or combination of
13 letters and numbers as requested by the owner. Upon application by
14 the owner of a motorcycle, the department may design and issue regis-
15 tration plates containing a series of not more than four letters or
16 numbers or combination of letters and numbers as requested by the
17 owner. The department may, in its discretion, disapprove the issuance
18 of registration plates under this subsection when the requested
19 symbols are a duplication of an existing registration or when the
20 symbols are considered unacceptable by the department.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: CSHB 74 (Trans)
Publish Date: _____

Revision Date: _____
Title: An Act relating to motorcycle license plates.
Sponsor: Sund
Requestor: House Finance

Agency Affected: Public Safety
BRU: Motor Vehicles
Components: Vehicle Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		.8	.2	.2	.2	.2
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	.8	.2	.2	.2	.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		7.5	1.5	1.5	1.5	1.5
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FUNDING: (Thousands of Dollars)

GENERAL FUND		.8	.2	.2	.2	.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See page 2.

Prepared by: BB Bill Brown Phone: 465-4335
Division: Motor Vehicles Date: 3-5-87

Approved by Commissioner: X mmr/bs Date: 3/5/87
Agency: Public Safety

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

RECEIVED

MAR 06 1987

JNR
3/4/87

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 74 (Trans)

EXPENDITURES:

Contractual	
License Plates @ \$2.50 x 250	.6
Postage @ \$.76 x 250	.2
Total	<u>.8</u>

After the original impact of 250 personalized motorcycle license plates the first year, it is estimated there will be 50 such plates issued in FY89 and subsequent years.

REVENUES:

FY88 is based on issuance of 250 personalized motorcycle license plates at cost to owner of \$30 per plate.

FY89 and subsequent years based on issuance of 50 new personalized motorcycle license plates per year.

INFORMATION:

As a result of the FY83 budget decrement the Division of Motor Vehicles may discontinue issuing personalized license plates as of July 1, 1987.

It is realized there will be few requests for personalized motorcycle plates. However, if the position in the Special Programs Unit of DMV, which now issues personalized plates, is not funded in the operating budget it is the intent of the department to not issue any personalized license plates under AS 28.10.181(c), including motorcycles.

The department feels it would not be appropriate to request funding in this fiscal note for a part-time position so personalized plates could be issued only to motorcycle owners if we discontinue issuing such plates to the other classes of vehicles that are now eligible. It is also felt it would be inappropriate to request funding in this fiscal note to reestablish a position that may be deleted in the operating budget when the majority of the position's duties are not affected by this bill.

Introduced: 1/23/87
Referred: State Affairs
and Transportation

BY SUND, GRUENBERG,
TAYLOR AND DONLEY

1 IN THE HOUSE

2

HOUSE BILL NO. 74

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to motorcycle license plates."

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

8 * Section 1. AS 28.10.181(c) is amended to read:

9 (c) Special request plates. Upon application by the owner of a
10 passenger vehicle, motorcycle, noncommercial van or pick-up truck, or
11 motor home, the department may design and issue registration plates
12 containing a series of not more than six letters or numbers or com-
13 bination of letters and numbers as requested by the owner. The depart-
14 ment may, in its discretion, disapprove the issuance of registration
15 plates under this subsection when the requested symbols are a duplica-
16 tion of an existing registration or when the symbols are considered
17 unacceptable by the department.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: CSHB 74 (Trans)am
Publish Date: _____

Revision Date: _____
Title: An Act relating to motor vehicle registration and license plates
Sponsor: Sund
Requestor: House Finance

Agency Affected: Public Safety
BRU: Motor Vehicles
Components: Field Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		36.5	37.6	38.7	39.9	41.1
TRAVEL						
CONTRACTUAL		2.2	.3	.3	.3	.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	38.7	37.9	39.0	40.2	41.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		.5	(5.5)	(5.5)	(5.5)	(5.5)
---------	--	----	-------	-------	-------	-------

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	38.7	37.9	39.0	40.2	41.4
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	38.7	37.9	39.0	40.2	41.4

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The current DMV Special Program Unit which issues personalized plates is not funded in the FY88 operating budget. Since the House amendment changed "may" to "shall", DMV will be required to continue to issue these plates and funding for the current position is included in this fiscal note.

Prepared by: Charles R. Hosack Phone: 269-5551
Division: Motor Vehicles Date: 4-2-87

Approved by Commissioner: [Signature] Date: 4/2/87
Agency: Public Safety

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

RECEIVED
APR 02 1987

JWR
4/2/87

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 74(Trans)am

EXPENDITURES:

Personal Services	
MVR III, Anchorage, incumbent, 10D	36.5
Contractual	
Motorcycle Plates @ \$2.50 x 250	.6
Postage @ \$.76 x 250	.2
Specialized Plates @ \$5.00 x 200	1.0
Postage @ \$1.76 x 200	.4
	<hr/>
TOTAL	38.7

After the original impact of 250 personalized motorcycle license plates and 200 specialized plates the first year, it is estimated there will be 50 motorcycle plates and 20 specialized plates issued in FY89 and subsequent years.

REVENUES:

Motorcycle Plates @ \$30 x 250	7.5
Specialized Plates @ (\$35 x 200)	(7.0)

FY88 is based on issuance of 250 personalized motorcycle license plates at the cost to owner of \$30 per plate. Revenue loss is based on registration fees that would not be collected on Specialized plates for 200 vehicles at \$35 per vehicle. An assumption is made the Pearl Harbor survivor plates would be no fee.

FY89 and subsequent years based on issuance of 50 new motorcycle license plates per year, \$1.5. Revenue loss would remain the same on the Specialized plates, (\$7.0), again assuming they will be no fee.

INFORMATION:

As a result of the FY88 budget decrement, the Division of Motor Vehicles plans to discontinue issuing personalized license plates as of July 1, 1987. The amendment adopted on the House floor changed the word "may" to "shall". Therefore, the division would be required to continue issuing these plates, and funding for the current position is included in this fiscal note.

It is realized there will be few requests for personalized motorcycle plates. However, if the position in the Special Programs Unit of DMV which now issues personalized plates is not funded, it was the intent of the department to not issue any personalized license plates under AS 28.10.181(c), including motorcycles. Since the House amendment mandates issuance of the plates, funding is requested to retain the position.

210 3-18-87
 rfd 3-25-87

STATE OF ALASKA 1987 LEGISLATIVE SESSION
 FISCAL NOTE

REQUEST
 Revision Date: _____
 Title: "An Act relating to motor-
 cycle plates."
 Sponsor: Rep. Sund
 Requestor: Rep. Cotten

Bill Version: C5HB 74(Trsp)am*
 Publish Date: _____
 Agency Affected: Public Safety
 BRU: Motor Vehicles
 Components: Vehicle Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		2.2	.3	.3	.3	.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	2.2	.3	.3	.3	.3
CAPITAL						
REVENUE						
		.5	(5.5)	(5.5)	(5.5)	(5.5)

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		2.2	.3	.3	.3	.3
FEDERAL FUNDS						
OTHER						
TOTAL		2.2	.3	.3	.3	.3

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

*This amendment addresses only Specialized plates issued to Pearl Harbor survivors.
 THE CURRENT DMV SPECIAL PROGRAM UNIT WHICH ISSUES PERSONALIZED PLATES IS NOT FUNDED IN THE DIVISION OF MOTOR VEHICLES BUDGET.

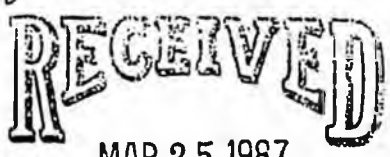
Prepared by: Chuck Hosack, Acting Director
 Division: Motor Vehicles

Phone: 269-5551
 Date: 3/24/87

Approved by Commissioner: [Signature]
 Agency: Public Safety

Date: 3/24/87

- Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary



MAR 25 1987

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 74 (Trsp) am

EXPENDITURES:

Contractual	
Motorcycle Plates @ \$2.50 x 250	.6
Postage @ .76 x 250	.2
Specialized Plates @ \$5.00 x 200	1.0
Postage @ \$1.76 x 200	.4
Total	<u>2.2</u>

After the original impact of 250 personalized motorcycle license plates and 200 specialized plates the first year, it is estimated there will 50 motorcycle plates and 20 specialized plates issued in FY89 and subsequent years. Purchase costs and mail costs would be negligible.

REVENUES:

Motorcycle Plates @ \$30 x 250	7.5
Specialized Plates @ [\$35 x 200]	[7.0]

FY88 is based on issuance of 250 personalized motorcycle license plates at cost to owner at \$30 per plate. Revenue loss is based on registration fees that would not be collected on Specialized plates since there is no charge for them.

FY89 and subsequent years based on issuance of 50 new motorcycle license plates per year, \$1.5. Revenue loss would remain the same on the Specialized plates, [7.0].

INFORMATION:

As a result of the FY88 budget decrement, the Division of Motor Vehicles will discontinue issuing personalized license plates as of July 1, 1987.

It is realized there will be few requests for personalized motorcycle plates. However, if the position in the Special Programs Unit of DMV, which now issues personalized plates, is not funded in the operating budget, it is the intent of the department to not issue any personalized license plates under AS 28.10.181(c), including motorcycles.

The Department feels it would not be appropriate to request funding in this fiscal note for a part-time position so personalized plates could be issued only to motorcycle owners or Pearl Harbor survivors if we discontinue issuing such plates to the other classes of vehicles that are now eligible. It is also felt it would be inappropriate to request funding in this fiscal note to reestablish a position that may be deleted in the operating budget when the majority of the position's duties are not affected by this bill.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: CSHB 74 (Trans)
Publish Date: _____

Revision Date: _____

Agency Affected: Public Safety

Title: An Act relating to motorcycle license plates.

BRU: Motor Vehicles

Sponsor: Sund

Components: Vehicle Services

Requestor: House Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		.8	.2	.2	.2	.2
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	.8	.2	.2	.2	.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		7.5	1.5	1.5	1.5	1.5
---------	--	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND		.8	.2	.2	.2	.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See page 2.

Prepared by: BB Bill Brown Phone: 465-4335
Division: Motor Vehicles Date: 3-5-87

Approved by Commissioner: X [Signature] Date: 3/5/87
Agency: Public Safety

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

RECEIVED

MAR 06 1987

JNR
3/4/87

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 74 (Trans)

EXPENDITURES:

Contractual

License Plates @ \$2.50 x 250	.6
Postage @ \$.76 x 250	.2
Total	<u>.8</u>

After the original impact of 250 personalized motorcycle license plates the first year, it is estimated there will be 50 such plates issued in FY89 and subsequent years.

REVENUES:

FY88 is based on issuance of 250 personalized motorcycle license plates at cost to owner of \$30 per plate.

FY89 and subsequent years based on issuance of 50 new personalized motorcycle license plates per year.

INFORMATION:

As a result of the FY88 budget decrement the Division of Motor Vehicles may discontinue issuing personalized license plates as of July 1, 1987.

It is realized there will be few requests for personalized motorcycle plates. However, if the position in the Special Programs Unit of DMV, which now issues personalized plates, is not funded in the operating budget it is the intent of the department to not issue any personalized license plates under AS 28.10.181(c), including motorcycles.

The department feels it would not be appropriate to request funding in this fiscal note for a part-time position so personalized plates could be issued only to motorcycle owners if we discontinue issuing such plates to the other classes of vehicles that are now eligible. It is also felt it would be inappropriate to request funding in this fiscal note to reestablish a position that may be deleted in the operating budget when the majority of the position's duties are not affected by this bill.

CSHB

74

FISCAL NOTE

REQUEST:

Revision Date: 1-20-88
 Title: An Act relating to motor vehicle registration and license plates.
 Sponsor: Sund
 Requestor: Senate State Affairs
 Agency Affected: Public Safety
 BRU: Motor Vehicles
 Components: Vehicle Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		32.6	33.6	34.6	35.6	36.7
TRAVEL						
CONTRACTUAL		1.2	.2	.2	.2	.2
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	33.8	33.8	34.8	35.8	36.9

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	-0-	7.1	1.1	1.1	1.1	1.1
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND		33.8	33.8	34.8	35.8	36.9
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	33.8	33.8	34.8	35.8	36.9

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The current DMV Special Program Unit, which issues personalized plates, is not funded in the FY88 or FY89 operating budget. Since the House amendment changed "may" to "shall", DMV will be required to continue to issue these plates, and funding for the position is included in this fiscal note.

1265
JNR
1/25/88

Prepared by: Jay N. Dulany Phone: 269-5551
 Division: Motor Vehicles Date: 1-20-88

Approved by Commissioner: Shirley A. Houtabai App. Comm. Date: 1-22-88
 Agency: Public Safety

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB74(Trans)am

EXPENDITURES:

Personal Services	
MVR III, Anchorage, Range 10B	32.6
Contractual	
Motorcycle Plates @ \$2.50 x 250	.6
Postage @ \$.76 x 250	.2
Specialized Plates @ \$5.00 x 50*	.3
Postage @ \$1.76 x 23	.1
	<hr/>
TOTAL	33.8

After the original impact of 250 personalized motorcycle license plates and 23 specialized plates the first year, it is estimated there will be 50 motorcycle plates and 5 specialized plates issued in FY90 and subsequent years. When the fiscal note was originally prepared we had to estimate the number of Pearl Harbor survivors in the State. We have been informed by the Pearl Harbor Survivors Association there are 23 survivors in Alaska. Thus, this fiscal note has been revised accordingly.

* License plates are obtained in multiples of 50.

REVENUE:

Motorcycle Plates @ \$30 x 250	7.5
Specialized Plates @ (\$30 x 10)	(.4)

FY89 is based on issuance of 250 personalized motorcycle license plates at a cost to the owner of \$30 per plate. The revenue loss is based on registration fees that would not be collected on specialized plates for Pearl Harbor survivors. All Pearl Harbor survivors are over 65 years of age, therefore, currently eligible to register one vehicle without payment of registration fee or municipal registration tax. It is estimated 10 of the survivors have an additional vehicle for which they are currently paying the fee and tax, and for which this bill will exempt them from paying.

FY90 and subsequent years is based on issuance of 50 new motorcycle license plates per year, \$1.5. The revenue loss would remain fairly stable on the specialized plates.

INFORMATION:

As a result of the FY88 budget decrement, the position that processes personalized license plates applications was deleted as of July 1, 1987. The amendment adopted on the House floor changed the word "may" to "shall". Therefore, the Division would be required to continue issuing these plates and funding to restore the position is included in this fiscal note.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HB 74
Publish Date: HOUSE 2/9/87

Revision Date: _____

Agency Affected: Public Safety

Title: An Act relating to motorcycle license plates.

BRU: Motor Vehicles

Sponsor: Sund

Components: Vehicle Services

Requestor: House State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		.8	.2	.2	.2	.2
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	.8	.2	.2	.2	.2
CAPITAL						
REVENUE	-0-	7.5	1.5	1.5	1.5	1.5

FUNDING: (Thousands of Dollars)

GENERAL FUND		.8	.2	.2	.2	.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See page 2.

Prepared by: Bill Brown
Division: Motor Vehicles

Phone: 465-4335
Date: 1-28-87

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 1/29/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

JWR
1/29/87

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 74

Page 2 of 2 2/9/87

EXPENDITURES:

Contractual

License Plates @ \$2.50 x 250	.6
Postage @ \$.76 x 250	.2
Total	<u>.8</u>

After the original impact of 250 personalized motorcycle license plates the first year, it is estimated there will be 50 such plates issued in FY89 and subsequent years.

REVENUES:

FY88 is based on issuance of 250 personalized motorcycle license plates at cost to owner of \$30 per plate.

FY89 and subsequent years based on issuance of 50 new personalized motorcycle license plates per year.

INFORMATION:

As a result of the FY88 budget decrement the Division of Motor Vehicles may discontinue issuing personalized license plates as of July 1, 1987.

It is realized there will be few requests for personalized motorcycle plates. However, if the position in the Special Programs Unit of DMV, which now issues personalized plates, is not funded in the operating budget it is the intent of the department to not issue any personalized license plates under AS 28.10.181(c), including motorcycles.

The department feels it would not be appropriate to request funding in this fiscal note for a part-time position so personalized plates could be issued only to motorcycle owners if we discontinue issuing such plates to the other classes of vehicles that are now eligible. It is also felt it would be inappropriate to request funding in this fiscal note to reestablish a position that may be deleted in the operating budget when the majority of the position's duties are not affected by this bill.

Offered: 3/15/88
Referred: Finance

5-0142X

Original sponsors: Sund, Gruenberg,
Taylor, et al.

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 74 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to motor vehicle registration and
7 license plates; and providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 28.10 is amended by adding a new section to read:
10 Sec. 28.10.165. SOUVENIR WINTER OLYMPICS PLATE. The department
11 may issue a souvenir Winter Olympics commemorative license plate. A
12 person may not attach a souvenir plate to a motor vehicle in the
13 manner described in AS 28.10.171 for attachment of registration
14 plates. The department shall charge a fee of \$30 for each plate
15 issued under this section. The commissioner of administration shall
16 separately account for fees received under this section that the
17 department deposits in the general fund. The legislature may appro-
18 priate the annual estimated balance in the account to the Alaska
19 Winter Olympics account established under AS 05.35.100.
20 * Sec. 2. AS 28.10.165 is repealed and reenacted to read:
21 Sec. 28.10.165. SOUVENIR WINTER OLYMPICS PLATE. The department
22 may issue a souvenir Winter Olympics commemorative license plate. A
23 person may not attach a souvenir plate to a motor vehicle in the
24 manner described in AS 28.10.171 for attachment of registration
25 plates. The department shall charge a fee of \$30 for each plate
26 issued under this section. The commissioner of administration shall
27 separately account for fees received under this section that the
28 department deposits in the general fund. The legislature may appro-
29 priate the annual estimated balance in the account to the Alaska

1 sports fund established under AS 05.35.150.

2 * Sec. 3. AS 28.10.181(c) is amended to read:

3 (c) Special request plates. Upon application by the owner of a
4 passenger vehicle, motorcycle, noncommercial van or pick-up truck, or
5 motor home, the department shall [MAY] design and issue registration
6 plates containing a series of not more than six letters or numbers or
7 combination of letters and numbers as requested by the owner. The
8 department may, in its discretion, disapprove the issuance of regis-
9 tration plates under this subsection when the requested symbols are a
10 duplication of an existing registration or when the symbols are con-
11 sidered unacceptable by the department.

12 * Sec. 4. AS 28.10.181(1) is amended to read:

13 (1) Vehicles owned by Pearl Harbor survivors and former prison-
14 ers of war. The department, upon receipt of written proof, shall
15 [MAY] issue without charge special registration plates for one noncom-
16 mercial motor vehicle to a person who was on active military duty in
17 Pearl Harbor on December 7, 1941, or who has been a prisoner of war
18 during a declared war or other conflict, as determined by the Depart-
19 ment of Defense under federal regulations. The design and color of
20 the Pearl Harbor survivor or prisoner of war plates shall be solely
21 within the discretion of the commissioner.

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

23 (n) Special request Winter Olympics commemorative plates. The
24 department shall issue registration plates commemorating the Winter
25 Olympics upon application by the owner of a passenger vehicle, noncom-
26 mercial van or pick-up truck, or motor home.

27 * Sec. 6. AS 28.10.421(d)(13) is amended to read:

28 (13) a vehicle owned by a Pearl Harbor survivor or a former
29 prisoner of warnone.

1 * Sec. 7. AS 28.10.421(d) is amended by adding a new paragraph to read:
2 (14) special request Winter Olympics commemorative plates
3\$70
4 plus the fee required for that vehicle under (b)(1) or (2) of this
5 section; the fee required by this paragraph shall be collected only on
6 the first issuance and on the replacement of special request plates;
7 the commissioner of administration shall separately account for the
8 fees received under this paragraph that the department deposits in the
9 general fund; the annual estimated balance in the account may be
10 appropriated by the legislature to the Alaska Winter Olympics account
11 established under AS 05.35.100.

12 * Sec. 8. AS 28.10.421(d)(14) is repealed and reenacted to read:
13 (14) special request Winter Olympics commemorative plates
14\$70
15 plus the fee required for that vehicle under (b)(1) or (2) of this
16 section; the fee required by this paragraph shall be collected only on
17 the first issuance and on the replacement of special request plates;
18 the commissioner of administration shall separately account for the
19 fees received under this paragraph that the department deposits in the
20 general fund; the annual estimated balance in the account may be
21 appropriated by the legislature to the Alaska sports fund established
22 under AS 05.35.150.

23 * Sec. 9. AS 28.10.421 is amended by adding a new subsection to read:
24 (f) In addition to the fees imposed under (b) and (d) of this
25 section, the following special annual registration fee is imposed upon
26 renewal of registration for a passenger vehicle, motor home, pick-up
27 truck, or a van with special request Winter Olympics commemorative
28 plates.....\$30;
29 the commissioner of administration shall separately account for the

1 fees received under this subsection that the department deposits in
2 the general fund; the annual estimated balance in the account may be
3 appropriated by the legislature to the Alaska Winter Olympics account
4 established under AS 05.35.100.

5 * Sec. 10. AS 28.10.421(f) is repealed and reenacted to read:

6 (f) In addition to the fees imposed under (b) and (d) of this
7 section, the following special annual registration fee is imposed upon
8 renewal of registration for a passenger vehicle, motor home, pick-up
9 truck, or a van with special request Winter Olympics commemorative
10 plates.....\$30;
11 the commissioner of administration shall separately account for the
12 fees received under this subsection that the department deposits in
13 the general fund; the annual estimated balance in the account may be
14 appropriated by the legislature to the Alaska sports fund established
15 under AS 05.35.150.

16 * Sec. 11. The Department of Public Safety shall issue the Winter
17 Olympics souvenir license plate described in AS 28.10.165, enacted in
18 sec. 1 of this Act, and the special request Winter Olympics commemorative
19 license plates described in AS 28.10.181(n), enacted in sec. 5 of this Act,
20 based on a design received from the Anchorage organizing committee that is
21 approved by the department.

22 * Sec. 12. Sections 2, 8, and 10 of this Act take effect on the effec-
23 tive date of an Act enacted by the Fifteenth Alaska State Legislature that
24 establishes the Alaska sports fund.

Original sponsors: Sund, Gruenberg,
Taylor and Donley

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 74 (Transportation) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle registration and
7 license plates."

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

9 * Section 1. AS 28.10.181(c) is amended to read:

10 (c) Special request plates. Upon application by the owner of a
11 passenger vehicle, noncommercial van or pick-up truck, or motor home,
12 the department shall [MAY] design and issue registration plates con-
13 taining a series of not more than six letters or numbers or combina-
14 tion of letters and numbers as requested by the owner. Upon applica-
15 tion by the owner of a motorcycle, the department shall design and
16 issue registration plates containing a series of not more than four
17 letters or numbers or combination of letters and numbers as requested
18 by the owner. The department may, in its discretion, disapprove the
19 issuance of registration plates under this subsection when the re-
20 quested symbols are a duplication of an existing registration or when
21 the symbols are considered unacceptable by the department.

22 * Sec. 2. AS 28.10.181(1) is amended to read:

23 (1) Vehicles owned by Pearl Harbor survivors and former prison-
24 ers of war. The department, upon receipt of written proof, shall
25 [MAY] issue without charge special registration plates for one noncom-
26 mercial motor vehicle to a person who was on active military duty in
27 Pearl Harbor on December 7, 1941, or who has been a prisoner of war
28 during a declared war or other conflict, as determined by the Depart-
29 ment of Defense under federal regulations. The design and color of th

1 Pearl Harbor survivor or prisoner of war plates shall be solely within
2 the discretion of the commissioner.

LETTER OF INTENT FOR SCS CSHB 74 (State Affairs)

It is the intent of the legislature that the costs associated with the production and shipping of the special request Winter Olympic commemorative license plates and special request Winter Olympic commemorative souvenir license plates be established and subtracted from the proceeds of the sales of the plates and tabs before the legislature may appropriate the receipts to the Alaska Sports Fund.

SENATE COMMITTEE REPORT

FURTHER

FINANCE

3/15/88

DATE TURNED INTO OFFICE _____

Mr. President:

Transportation Committee considered CSHB 74 (Trsp) am
motor vehicle registration and license plates

and recommended

replace with _____ CS _____) same title
 or adopt _____ CS _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Chairman signature and recommendation

Committee Backup attached

Waived 3/15/88 to Finance

SENATE COMMITTEE REPORT

FURTHER:

TRANSPORTATION
finance

3/26/87

DATE TURNED INTO OFFICE 3/15/88

Mr. President:

STATE AFFAIRS Committee considered CSHB 74(Trsp)am

motor vehicle registration and license plates.

and recommended:

replace with SCS FOR CSHB 74 (SA)) same title
 or adopt CS FOR) new title

attached amendment(s) and and reports it back as follows if added
technical change

do pass

do not pass

no recommendation

individual recommendations

further referral to _____ FN

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

Riddle (DO PASS)

OTHER RECOMMENDATIONS

Lawrence (Ab Ke)

Don Matheson Do Pass
Chairman signature and recommendation

Committee Backup Attached