

ALASKA LEGISLATURE COMMITTEE FILES 2004

3085 SSA HB 7 (FILE 2) - HB 17 8672

1 vehicular way not connected by a land highway or vehicular way to
2 the land connected state highway system when that highway or
3 vehicular way is not connected to a highway or vehicular way with
4 an average daily traffic volume greater than 499, the operator of
5 the vehicle is exempt from (a) of this section if the operator has
6 not been involved in a traffic accident or cited for a traffic law
7 violation described in (c) of this section within the preceding ten
8 years.

9 (e) Every three years the Department shall publish a list of
10 areas that meet the requirements for (d) of this section. The list
11 shall be available for public inspection at all division of motor
12 vehicle offices in the state.

13 Sec. 28.22.040. METHOD OF PROOF FOLLOWING AN ACCIDENT. (a)
14 A person involved in an accident who is required to prove that a
15 motor vehicle liability insurance or a certificate of self-insurance
16 was in effect pursuant to AS 28.22.030(b) shall, within 15 days of
17 the accident

18 (1) present a copy of the insurance policy, certificate,
19 bond, or insurance binder that was in effect at the time of the
20 accident to the department for inspection;

21 (2) provide the department with written certification
22 from an insurance company, insurance agent, insurance broker or
23 surplus lines broker confirming that a valid motor vehicle liability
24 policy issued in conformity with AS 28.22.010 was in effect at the
25 time of the accident; or,

26 (3) advise the department in writing that a certificate
27 of self-insurance was in effect at the time of the accident.

28 (b) The department shall develop and implement a program to
29 check the veracity of the documents filed for proof under this
30 section.

31 (c) Providing information required under this section which
32 the person does not believe to be true and with the intent to

1 mislead a public servant in the performance of a duty is a class A
2 misdemeanor.

3 Sec. 28.22.050. METHOD OF PROOF FOLLOWING A CHARGE OF A
4 MOVING TRAFFIC VIOLATION. (a) A person charged with a traffic law
5 violation described in AS 28.22.030(c) shall, at the time of that
6 person's initial appearance in court or within 15 days of the date
7 of the violation, whichever is later,

8 (1) present a copy of the insurance policy, certificate,
9 bond, or insurance binder that was in effect at the time of the
10 violation to the court for inspection;

11 (2) provide the court with written certification from an
12 insurance company, insurance agent, insurance broker or surplus
13 lines broker confirming that motor vehicle liability insurance
14 issued in conformity with AS 28.22.010 was in effect at the time of
15 the violation; or

16 (3) advise the court in writing that a certificate of
17 self-insurance was in effect at the time of the violation.

18 (b) Evidence presented in the court in accordance with (a) of
19 this section shall be presented to the court at the initial ap-
20 pearance, or otherwise to the clerk of the court in which the
21 matter is pending.

22 (c) The court shall report immediately to the department any
23 failure to present proof of insurance as provided in this section.

24 Sec. 28.22.060. ADMINISTRATIVE SUSPENSION OF DRIVERS' LICENSES

25 (a) If a person fails to provide proof that motor vehicle liability
26 insurance or a certificate of self-insurance was in effect at the
27 time of an accident described in AS 28.22.030(b), or at the time of
28 a violation described in AS 28.22.030(c), the department shall
29 suspend the driver's license of that person for one year. Such
30 suspension shall be consecutive to any other suspension required by
31 law.

32 (b) When the department proposes to suspend a driver's license

1 under (a) of this section, it shall notify the licensee that the
2 suspension shall become effective 30 days from the date of the
3 notice, except that the licensee shall have the right, within the
4 30-day period, to make an oral or written answer or statement in
5 which he may controvert any point or issue, and he may present
6 evidence and arguments for the consideration of the department
7 pertinent to the action to be taken or the grounds for the action.

8 (c) Upon receipt of an oral or written answer or statement
9 from the licensee, the department shall make findings on the matter
10 under consideration within 15 days and shall notify the person
11 involved of its decision in writing by registered or certified
12 mail. If the department's decision is to sustain an action against
13 the licensee's driver's license, the department shall notify the
14 licensee of his opportunity for a hearing under AS 28.05.121 -
15 28.05.141.

16 Sec. 28.22.070. PROOF FOR THE FUTURE. (a) A person who
17 violates AS 28.22.030(a) must file proof of financial responsi-
18 bility for the future pursuant to AS 28.20 before the driving
19 privilege may be restored.

20 (b) A filing of proof of financial responsibility under
21 AS 28.20 shall be required for a period of three years following
22 expiration of the suspension of license under AS 28.22.060.

23 Sec. 28.22.080. SEPARABILITY. If any provision of this
24 chapter, or the application of a provision of this chapter to any
25 person or circumstance, shall be held invalid, the remainder of the
26 chapter and the application of the provision to persons or circum-
27 stances other than those to which it is held invalid, shall not be
28 affected.

29 *Sec. 14. AS 21.89.020(a) is amended to read:

30 (a) An automobile liability policy that [WHICH] insures an
31 owner or operator of a motor vehicle against loss resulting from
32 [HIS] liability for bodily injury or death, or for property injury

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1 or destruction, or both, which is sold in the state [AFTER JANUARY 1,
2 1969, BY AN INSURANCE CARRIER AUTHORIZED TO TRANSACT BUSINESS IN
3 THIS STATE], shall contain limits in at least the amount prescribed
4 for a motor vehicle liability policy in AS 28.20.440(b)(2),
5 [AND] AS 28.20.440(b)(3) AS 28.22.010(b)(2) and AS 28.22.010(b)(3).
6 [, AND MEET THE REQUIREMENTS OF AS 28.20.440(b)(3) UNLESS WAIVED AS
7 PROVIDED IN THAT PARAGRAPH].

8 *Sec. 15. AS 21.89.020 is amended by adding new subsections to
9 read:

10 (c) In addition to the coverages and limits required in (a)
11 of this section, an insurance company offering automobile liability
12 insurance for bodily injury or death in this state shall offer
13 coverage, with limits equal to at least the limit purchased volun-
14 tarily to cover the insured person's liability for bodily injury or
15 death, for the protection of the persons insured under the policy
16 who are legally entitled to recover damages for bodily injury or
17 death from owners or operators of uninsured or underinsured motor
18 vehicles.

19 (d) The coverage required under (a) of this section to meet
20 the requirements of AS 28.20.440(b)(3) and AS 28.22.010(b)(3) may
21 be waived in writing by the insured in whole or in part.

22 *Sec. 16. AS 28.20.390(3) and AS 28.20.490 are repealed.

23 *Sec. 17. The Department of Public Safety will conduct a public
24 information campaign designed to educate the public about changes
25 in the motor vehicle code introduced with this Act and the potential
26 penalties for failure to comply.

27 *Sec. 18. Secs. 1-16 of this Act take effect January 1, 1985.

28 *Sec. 19. Sec. 17 of this Act takes effect October 1, 1984.

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32

file
mandatory
auto insurance

ST

HSC 84-00007036 PTY 1 01/25/84 12:44:28 ORIG: LFO1 IN= 0007 OUT= 0062
FROM: ANNIE IN COIBANKS TO: JUNEAU INFO.
TARGET: LJKR SUBJ: PDR

TO: REFS. HAYES, RUSSELL, AND WERDT
AND SENATORS ELIASON, BULGARY, AND V. FISCHER

FROM: VIRGINIA HILL, JR., S.R. 20972, FAIRBANKS 99701 HOME 424 2133

RE: SCS CS 2007 (LA) MOTOR VEHICLE LIABILITY INSURANCE

URGE CONFIDENTIAL ENDORSE LEGISLATION FOR COMPULSORY LIABILITY INSURANCE
OR COMPULSORY NO-Fault AUTO INSURANCE. TOO MANY GLASS FIBER AND
RELATIVES HAVE BEEN VICTIMS OF RECKLESS AND DRUNKEN DRIVERS
WITH NO INSURANCE OR OTHER ASSETS TO COMPENSATE. WHY SHOULD THOSE
WHO DO CARRY LIABILITY INSURANCE BE PENALIZED.



EVANS EQUIPMENT COMPANY □ 720 EAST WHITNEY ROAD, ANCHORAGE, ALASKA 99501 □ (907) 276-4838

Handwritten initials: ST, CB, and a signature.

December 20, 1983

Vic Fischer
1024 W. 6th Avenue
Anchorage, AK 99501

Dear Senator Fischer:

The attached is a typical situation that our Company and employees experience when mandatory insurance is not a requirement.

Please vote for compulsory liability insurance and protect us from those irresponsible individuals who don't care. The present system doesn't work!

Thank you.

Very truly yours,

EVANS EQUIPMENT COMPANY

Gene L. Tenny
Branch Manager

GLT/jb
Enclosure

R. N. SUTLIFF

LAWYER

125 CHRISTENSEN DRIVE, NO. 1 • ANCHORAGE, ALASKA 99501
TELEPHONE (907) 279-0661

November 16, 1983

Ms. Sharon Naus
State of Alaska
Department of Public Safety
Division of Motor Vehicles
Fouch N
Juneau, Alaska 99811

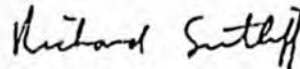
Dear Ms. Naus:

A truck owned by my client Evans Equipment Company was involved in an accident July 18, 1983 with a car driven by Mr. Leland. Mr. Leland backed into the Evans truck causing damage in the total amount of \$398.21. A copy of the accident report is included for your review as well as copies of estimates to repair the damage. To the best of my knowledge Mr. Leland is uninsured.

On August 17, 1983, a letter was written to Mr. Leland at the address given on the accident report demanding payment for the damages done to the Evans truck. The letter was returned "Not Deliverable as Addressed - Unable to Forward". A copy of that letter is enclosed for your review.

On behalf of Evans Equipment Company I request that you take action to have Mr. Leland's drivers license revoked as he has not met his financial responsibility in this accident.

Cordially yours,



R. N. Sutliff

Enclosures

cc: G. Tenny

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

POUCH N
JUNEAU, ALASKA 99811
PHONE:

465-4361

November 21, 1983 .

R. N. Sutliff
175 Christensen Dr. #1
Anchorage, Alaska 99501

RECEIVED

NOV 23 1983

R. N. SUTLIFF, LAWYER

Your Client: Evans Equipment
Reference Number:
Accident Date: 7/18/83
SR Case Number: 83-09952
Other Party: Terry Leland

The driving privilege will be/ was suspended

Action will be taken upon receipt of a judgment obtained through a civil court. A certificate of fact must accompany the judgment.

Has filed compliance in the form of

Has reported liability insurance with

This accident cannot be processed under the Safety Responsibility Law unless:

Sufficient evidence is received which indicates there is a reasonable probability of a judgment being rendered against the uninsured party.

Sufficient evidence is received that property damages sustained are in excess of \$500 and/or medical bills for any amount up to \$25,000 for one person or \$50,000 per accident.

This case cannot be pursued as more than one year has elapsed since the accident.

This case is pending, awaiting additional information.

Remarks:

Financial Responsibility Section

R. N. SUTLIFF

LAWYER

125 CHRISTENSEN DRIVE, NO. 1 • ANCHORAGE, ALASKA 99501

TELEPHONE (907) 279-0651

December 2, 1983

Gene Tenny
Evans Equipment Company
720 Whitney Road
Anchorage, Alaska 99501

RE: Terry Leland Truck Accident
Our File No. 81.010

Dear Gene:

Enclosed is a copy of the response from the Financial Responsibility Section of the Department of Public Safety, Division of Motor Vehicles. You will note that the department refuses to take action because our damages did not exceed \$500.00. A review of the statute confirms the correctness of the position taken by the department. At this point in time our only option is to proceed with a suit against Mr. Leland. Given the size of this claim I do not recommend litigation but will proceed to sue Mr. Leland if you wish me to do so.

Cordially yours,

Dick

R. N. Sutliff

Enclosure

Mand. Insur. HB 7

Don Cole - Dept of Comm
Insur. Div.
- compromise
version

follow up w/ J

Joe McLean - dep. insur.
↳ prefers Sen, but
like compromise



OFFICIAL BUSINESS

ALASKA STATE LEGISLATURE - SENATE

COMMITTEE ON LABOR AND COMMERCE

SENATOR RICHARD I. ELIASON
CHAIRMAN

POUCH V • JUNEAU, ALASKA 99811
(907) 465-3844

TO: Senator Eric Fischer
Senator Bob Mulcahy

FROM: Senator Dick Eliason, Chair
Conference Committee on HB 7

RE: Update Information on HB 7

DATE: March 23, 1984

Attached is the most current information regarding proposed language for HB 7 - "An Act relating to motor vehicles".

Don Koen, Division of Insurance, has drafted two proposed pieces of legislation dealing with alternative language for SCS CSSSHB 7 (L & C) and CSSSHB 7 (Fin). Although the Division of Insurance has taken an active role in drafting the new language mandating automobile liability insurance, the Division has consistently voiced opposition to mandatory insurance. The Senate version which states that an insurance company will provide uninsured motorist and underinsured motorist coverage to the consumer is the preferred position.

Alaska State Legislature

ST




Speaker of the House of Representatives

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3720

April 30, 1984

To: All Legislators

From: Rep. Joe Hayes 
Speaker

Re: Conference Committee Report on HB 7

Attached is an analysis of the Conference Committee report adopted today on HB 7 for your information. I have asked that it be placed on your desk.

Thanks for your consideration.

Alaska State Legislature



Speaker of the House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3720

Official Business

ANALYSIS FOR HB 7 COMPROMISE...April 30 Draft

The proposed a compromise on the mandatory auto insurance bill is basically modeled after legislation which passed in California last year. This compromise has been prepared with the assistance of the Division of Insurance, Departments of Law and Public Safety and State Farm.

The general concept would enact a law making it illegal to drive without liability insurance. Currently, it is legal to drive without insurance. Once you are caught as a result of an accident, however, you must obtain proof of insurance for three years. The compromise makes it illegal up front.

The major difference with the compromise is: In the House bill we require proof of insurance to be shown as a prerequisite for registration. In the compromise, that would not be required. The point of proof would come following an accident (which results in at least \$500 damage) for both the person at fault and not at fault. BUT, in addition, any person cited for a traffic violation carrying a 6 point demerit on the point system would have to show that insurance was in effect at the time of the violation within 15 days.

The burden of proof is on the person cited and requires the person to provide proof from the insurance company that the policy was in effect at the time of the accident. This information would be required to be verified by the Department of Public safety. The bill makes it a class A misdemeanor if the person cited knowingly provides false information during the verification process. It's estimated that between 20-30,000 citations for violations carrying a 6 point penalty are issued annually, and all these would be checked for insurance in addition to all persons involved in accidents whether at fault or not under the compromise.

The following traffic violations are all at least 6 points or greater and require a court appearance and would require proof of insurance to be shown.

- Driving while license is cancelled, suspended, revoked or in violation of license limitation
- Driving while intoxicated
- Reckless Driving
- speed contest racing
- fleeing or attempting to elude a police officer
- leaving scene of an accident
- negligent driving
- failure to yield right of way
- failure to stop for school bus while bus is loading or unloading
- failure to obey traffic control device in a school zone, playground, crosswalk or park
- speeding 20 miles or more over limit

Some, but not most, 6 point result in accidents so this is aimed at getting to the driver with the greatest potential for an accident..before the accident occurs. It's estimated there will be about 40,000 vehicles involved in accidents in the next year and between 20-30,000 6 point traffic violations..all of which would be checked for insurance under this bill. In an accident, all motorists would be checked regardless of fault. Currently, only the at fault person is checked.

All procedures for requiring proof at the time of licensing have been eliminated. All procedures which called for insurance companies to notify DMV upon cancellation of a policy have been eliminated as have the requirements that DMV follow up on such cancellation notices.

There is a further provision that providing false information to verify existence of insurance is a Class A misdemeanor. That's up to \$5000 fine and 1 year in jail.

The compromise calls for administrative revocation of the license rather than being charged with a class B misdemeanor. The revocation will be 90 days for the first offense and a mandatory one year for subsequent offenses within 10 years. Limited driving privileges may be granted upon proof of insurance. The removal of commission of a crime eliminates the proposed fine of \$250. However, the compromise requires payment of a \$100 fee as a license reinstatement fee as a prerequisite to reinstatement of driving priveleges following revocation of a license for driving uninsured. Thus the compromise would generally retain the punishment prvvisions originally intended.

Limited license priveleges could be granted under 28.22.240 but there is a provision requiring the person to provide proof of financial responsibility for 3 years under our normal financial responsibility law prior to the granting of any limited priveleges.

The forfeiture provisions have been removed from the bill. There was a concern about administrative burdens this would place on the courts and Dept. of Law. Forfeiture was envisioned to be used in extreme cases. The legislature could consider this at a later date once the law has been enacted, and it may then be determined how severe a threat the repeat offender is.

The compromise retains the concept of raising the limits from 25/50/10 to 50/100/25.

The compromise also adds further language to the uninsured and undersinsured coverage provisions which basically allow a deductible of \$250. It allows companies to offer a smaller deductible and for the insured to opt for a higher deductible. It also requires direct physical contact between the insured and un/underinsured vehicles to activate the property damage coverage. Hit and run drivers are presumed to be uninsured motorists if the victim reports the incident within 24 hours. This is to prevent people from running into a tree and trying to claim they were hit by an uninsured person.

State Farm has provided assistance to include several pages of language which define when the uninsured/underinsured coverage is triggered and in what priority other insurance policies would pay. Generally speaking, these appear to be fair compromises and have been incorporated after some discussion and refining. The goal has been consumer protection the provisions were reviewed. The bill requires insurers to offer the insured coverage for un/underinsured drivers in the amount the insured voluntarily purchases. The insured may waive this coverage or choose to increase the offer.

There is an exemption for isolated rural communities so that vehicles operated in these areas don't have to have insurance unless they have a history of traffic violations or accidents.

A separability clause has been added to the bill.

The compromise repeals two current sections in the financial responsibility law allowing deposit of securities or cash as proof of financial responsibility. In the opinion of the Division of Insurance, this option is probably not needed any longer since it is less expensive to buy a policy rather than putting up securities worth \$100,000 as would be required if other provisions of this bill pass.

This would leave the means of proving financial responsibility as either having a liability policy, a bond or a certificate of self insurance as allowed by statute. These two methods should cover all motorists adequately.

The compromise retains the provision which required knowledge of financial responsibility laws as part of the drivers test for a license.

There are two substantial changes in the definition of a motor vehicle liability policy which is required.

Under the House bill we lifted word for word the definition of a policy which was required of those people who had been involved in an accident with no insurance. Such a policy required at that time is different than normal policies which the average person routinely buys. Policies required under the FR law are basically exclusionless with insurer defenses inoperable. The compromise proposes a change in defining who is covered under an insurance policy and removes the provision that liability becomes absolute without defense following an accident...only for persons who purchase insurance voluntarily and do not fall under the financial responsibility law. The absolute liability provision and stricter provisions would remain in policies required under the FR law which would take effect for a person who is convicted of not having insurance. After extensive discussion on this point, this appears to be a fair stance to take. The compromise does not change the type of coverage that is offered currently to people buying insurance.

The compromise deletes the provision requiring companies to issue a card with all policies and that the card remain in the vehicle. This is okay in that the proof of insurance that is now required following a citation is a written verification from the insurance company. The necessity for such a card is eliminated.

The compromise eliminates a section for unused motor vehicles because it is no longer necessary if proof is not required at the time of registration.

The compromise eliminates an annual report on the effectiveness of the law and the ability to enforce it. The report concept was designed to provide legislators with some accounting of how well the system is working but, admittedly, it would be difficult to compile a meaningful report about the effect on premiums, administration and uninsured population. However, it has been suggested that a report could be initiated by a letter of intent to keep track of the statistics compiled as a result of the law.

The compromise incorporates two steps to involve the public about the law. Three months prior to the effective date of the law, the Department must conduct a public education campaign about the new law and failure to comply. Additionally, the bill mandates that, at the time of registration and licensing, the department give the applicant written information about the mandatory insurance law of the state.

It's hoped this will make people aware and encourage them to seek insurance rather than take the chance of being stopped and losing their license for a year.

It should also be noted that if a person drives on a revoked or suspended license...current law already mandates a 10 day jail visit which hopefully will act as an incentive to keep people from driving on suspended licenses.

The effective date of the compromise is 1/1/85. The mandatory sections of the bill would be repealed on January 1, 1989. This allows the Legislature to review its effectiveness by that time. A letter of intent accompanies the compromise requesting an analysis of the laws effect by 1987.

SECTION 1 PURPOSE

Legislature declares concern over rising toll of motor vehicle accidents and determines it is in the public's best interest that motorists be financially responsible for negligent acts so that innocent victims be recompensed for for injury or financial loss. Declares that this can best be served by requiring motorists to be insured when operating a vehicle "where the potential for motor vehicle accidents is substantial". Further declares that the most practical and economical time of proof of compliance is following a moving violation or accident.

SECTION 2

Amends insurance code to conform by requiring insurers in the state to write policies at the newly established minimums of 50/100/25.

SECTION 3

Requires insurers to offer customers un/underinsured coverage for both bodily injury and property damage in at least the amount voluntarily purchased for personal injury liability insurance. Requires an offer for property damage not less than the minimum of \$25,000. This coverage may be waived by the insured.

SECTION 4

Requires the Department of Public Safety to provide an applicant for registration of a motor vehicle with information regarding the state's mandatory insurance law at the time of registration.

SECTION 5

Requires the Department of Public Safety to provide an applicant for motor vehicle licensure with information regarding the state's mandatory insurance law at the time of license application.

SECTION 6

Adds knowledge of the states mandatory insurance law to examination provisions for obtaining a drivers license.

SECTION 7

requires person who has had license suspended to pay \$100 reinstatement fee prior to the granting of limited driving privileges or restoration of driving privilege in addition to financial responsibility requirements.

SECTIONS 8 and 9

Raises minimum liability policy limits a person must be insured for under the financial responsibility law from 25/50/10 to 50,000 for bodily injury to any one person in an accident, \$100,000 maximum for bodily injury of all involved in an accident and \$25,000 for property damage.

SECTION 10

Increases from 25/20/10 to 50/100/25 the threshold at which a judgement against a person falling under the financial responsibility is satisfied.

SECTION 11

same as section 8 to make statute conform regarding limits. Describes limits for un/underinsured coverage to be offered as part of an insurance policy.

SECTION 12

Defines un/underinsured motorist coverage.

(a) Limits insurers responsibility under the un/underinsured provisions to the difference between what might be paid on behalf of the the uninsured person and the maximum limits of the insured's policy.

(b) Establishes priority for payment of un/underinsured claims and lists items that would be deducted from liability for payment of such coverage.

(c) Prohibits the stacking of several policies in the event that the insured is covered by more than one uninsured coverage which might apply. The liability is limited to the highest amount of one policy. Establishes priority of policies which would apply.

(d) Clarifies that UM/UIM coverage does not apply in situations where the alleged un/underinsured vehicle is owned by a name insured or resident relative but not insured. This is designed to prevent a person from owning several vehicles but only insuring one.

Specifies a single combined coverage. Allows insured to waive coverage in writing. Limits coverage for property damage to only the damage to the vehicle involved. Hit and run motorists are presumed to be uninsured if the accident is reported within 24 hours. Allows deductible of \$250 but allows insurer to offer a deductible other than \$250.

SECTION 13

28.22.010-28.22.050 Defines specific provisions of motor vehicle liability policy that must be in effect to comply with the mandatory law.

Generally follows current requirements under the financial responsibility law. A major difference from the FR law is the removal of an absolute liability clause which is retained in the FR law. The removal is intended to allow companies to issue policies just as they are now. There is also a modification from the FR law in describing who the policy must cover.

Raises current liability minimums from 25/50/10 to 50/100/25.

28.22.100-28.22.130 Defines un/underinsured coverage for the purposed of this chapter identical to the provisions in Section 12.

28.22.200 requires operator or owner of a motor vehicle to have adequate insurance when operating vehicle on roadway. Provides an exemption of the requirement to have insurance if the vehicle is operated in isolated areas not connected to the highway system and with minimal traffic. Exemption does not apply if the owner/operator has a history of traffic violations or accidents within 5 years.

28.22.210 Requires persons involved in an accident resulting in at least \$500 damage or involved in a 6 demerit traffic violation to show proof of insurance.

28.22.220 Requires person cited for an accident to present proof of insurance to the department within 15 days. Requires the Department to establish a method to check all documents filed as proof.

28.22.230 Requires person cited for traffic violation to present proof of insurance at the time of the initial court appearance or within 15 days of the charged violation. Requires court to notify the department if such proof is not presented.

28.22.240 Provides for administrative suspension of license if person fails to prove insurance was in effect at time of violation or accident. Establishes notification procedure and allows the person who stands to lose license a chance for a hearing to plead that person's case. Suspension will not take place until final court action is taken. Penalties are mandatory 90 days for first offense and one year for subsequent offense if within 10 years of first offense.

Allows the department to grant a limited license if the violator has not been suspended more than once for similar reasons within the past ten years and if the violator shows proof of insurance required under the financial responsibility law prior to granting of limited privileges.

28.22.240 continued

Establishes procedure for granting limited license and specifies that suspension takes place following expiration of limitation unless violator complies with reinstatement provisions.

28.22.250 Establishes a Class A misdemeanor for knowingly filing false information with the department.

28.22.260 Requires person to file SR 22 under the financial responsibility law (proof of insurance for 3 years) as a prerequisite to reinstatement of license or granting of limited license privileges.

28.22.500 Allows policy to contain provisions which do not violate the provisions of this chapter.

28.22.510 separability clause

28.22.600 definition of general motor vehicle liability policy for purposes of mandatory insurance requirements.

SECTION 14

Definition of underinsured motor vehicle

SECTION 15

Repeals provisions in law allowing deposit of cash or securities as a means of proving financial responsibility for the future. Repeals the reinstatement fee which only pertained to driving in violation of financial responsibility law. This has been encompassed in section 7 of this bill.

SECTION 16

Requires Department to begin to conduct public education campaign about the mandatory law three months prior to its effect.

SECTION 17

Repeals mandatory provisions of the bill January 1, 1989 and other sections of the bill which refer to the mandatory aspects of the bill.

SECTIONS 18-20

Rewrites insurance code provisions specifying coverage limits to eliminate reference to mandatory section of the bill. This is effective January 1, 1989 when the mandatory aspects are repealed.

SECTIONS 21-23 Effective date 1/1/85. Public education campaign begins 10/1/84. Sections 18-20 take effect 1/1/89.

Rec. 3:10 pm
4/30/84

CONFERENCE COMMITTEE REPORT

DATE: 4/30/84

Mr. President:
Mr Speaker:

The ^{2d} Conference Committee with limited powers of free conference
which has had
CSSSHB 7(Fin) (An Act relating to motor vehicles;efd)

and

SCS CSSSHB 7(L&C) (Same title)

under consideration, recommends that
the Conference Committee Substitute for House Bill
Number 7 with the attached letter of intent

be adopted.

Senate Members:

[Signature]
Senator Ferguson, Chairman
[Signature]
Senator Josephson
[Signature]
Senator Halford

House Members:

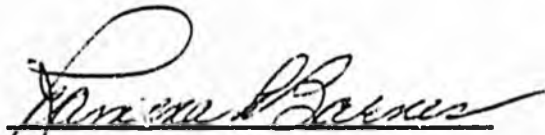
[Signature]
Representative Barnes, Chairman
[Signature]
Representative Furnace
[Signature]
Representative Koponen

CONFERENCE COMMITTEE LETTER OF INTENT FOR HB '7

The Legislature directs the Department of Public Safety and the Department of Transportation to coordinate efforts toward the goal of implementing a procedure to more precisely determine how many Alaskan motorists drive uninsured.

The Department of Public Safety is also directed to compile statistics regarding the compensation of persons involved in traffic accidents toward the goal of determining what percentage of persons involved in accidents are adequately compensated for personal injury or property damage via insurance or other means available under the financial responsibility law.

Within 15 days of the convening of the first session of 15th Alaska State Legislature, the Departments of Public Safety and Law will report to the Legislature on the number of persons checked for insurance under the law and the disposition of those citations, the effect of the law in reducing the number of uninsured drivers and suggestions for changes in the mandatory law.



Rep. Ramona Barnes
Chairman, House



Sen. Frank Ferguson
Chairman, Senate

Alternate language for SCS C555HB 7(L&C).

Section 1. AS 28.20.440(b)(3) is amended to read:

(3) contain coverage in not less than the amounts set out in (2) of this subsection for the protection of the persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury or death, or damage to or destruction of property in excess of \$250 arising out of the ownership, maintenance or use of the uninsured or underinsured motor vehicle], EXCEPT THAT THIS COVERAGE MAY BE WAIVED IN WRITING BY THE INSURED ON OR BEFORE THE EFFECTIVE DATE OF THE POLICY].

(A) "Underinsured motor vehicle means a motor vehicle licensed for highway use with respect to the ownership, operation, maintenance or use of which motor vehicle there is a bodily injury or property damage insurance policy or a bond applicable at the time of the accident and the amount of insurance or bond:

(i) is less than the limit for uninsured and underinsured motorists coverage under the insured's policy; or

(ii) has been reduced by payments to persons other than an insured, injured in an accident, to less than the limit for uninsured and underinsured motorists coverage under the insured's policy.

(P) The uninsured and underinsured motorists coverage provided for in this chapter:

(i) shall not apply to bodily injury, sickness, disease or death of an insured or damage to or destruction of property of an insured until the limits of liability of all bodily injury and property damage liability bonds and policies that apply have been used up by payments, judgements or settlements;

(ii) shall be a single combined coverage; and

(iii) may be rejected by the insured in writing. If the insured has rejected such coverage, the coverage shall not be included in any supplemental, renewal or replacement policy unless the insured subsequently requests such coverage in writing.

(C) If both the owner and operator of the uninsured vehicle are unknown, payment under the uninsured and underinsured motorists coverage shall be made only where direct physical contact between the insured and uninsured or underinsured motor vehicles has occurred. A vehicle that has left the scene of the accident is presumed to be uninsured if the person insured reports the accident to the appropriate authorities within 24 hours.

(D) The uninsured and underinsured motorists coverage for damage to or destruction of property is subject to a deductible of \$250 in any one accident, but the insurer may offer a deductible other than \$250. This coverage shall be limited to damage to or destruction of the insured motor vehicle. It shall not include loss of use of such vehicle.

Section 2. AS 28.20.440 is amended by adding new subsections to read:

(1) The maximum liability of the insurance carrier under the uninsured and underinsured motorists coverage required to be offered pursuant to AS 28.20.440(b)(3) shall be the difference between the coverage limit of liability and the amount paid to the insured by or on

The Senate
Version with
New wording
proposed by
Div of Insurance

behalf of the uninsured and underinsured motorist.

(m) Amounts payable under the uninsured motorists and underinsured motorists coverage required to be offered pursuant to AS 28.20.440(b)(3) shall be reduced by:

(1) amounts paid or to be paid under any worker's compensation law;

(2) amounts paid or payable under any valid and collectible automobile medical payments insurance or bodily injury or death liability insurance; and

(3) amounts paid by or on behalf of the uninsured or underinsured motorist.

(n) In the event an insured is entitled to uninsured or underinsured motorists coverage under more than one policy of motor vehicle liability insurance, or under more than one coverage if two or more vehicles are insured under one policy, the maximum amount an insured may recover shall not exceed the highest limit of any one policy or coverage. Where multiple policies or coverages apply, payment should be made in the following order of priority, subject to the limit of liability for each applicable policy or coverage:

(1) a policy or coverage covering a motor vehicle occupied by the injured person at the time of the accident;

(2) a policy or coverage covering a motor vehicle which came into contact with the insured while a pedestrian; and

(3) a policy or coverage covering a motor vehicle not involved in the accident with respect to which the injured person is an insured or a named insured.

(o) The uninsured and underinsured motorists coverage provided for in this chapter does not apply to bodily injury or death or damage to or destruction of property of an insured:

(1) while occupying a motor vehicle owned by, but not insured by, the named insured or resident spouse or resident relative; or

(2) through being struck by a vehicle owned by the named insured, or resident spouse or resident relative.

Section 3. AS 21.89.020(a) is amended to read:

(a) An automobile liability policy that [WHICH] insures a owner or operator of a motor vehicle against loss resulting from [HIS] liability for bodily injury or death, or for property injury or destruction, or both, which is sold in the state [AFTER JANUARY 1, 1969, BY AN INSURANCE CARRIER AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE], shall contain limits in at least the amount prescribed for a motor vehicle liability policy in AS 28.20.440(b)(2). [AND AS 28.20.440(b)(3), AND MEET THE REQUIREMENTS OF AS 28.20.440(b)(3) UNLESS WAIVED AS PROVIDED IN THAT PARAGRAPH.]

Section 4. AS 21.89.020 is amended by adding new subsections to read:

(c) An insurance company offering or writing automobile liability insurance for bodily injury or death in this state shall offer coverage prescribed in AS 28.20.440(b)(3) and AS 28.20.440(1)-(o), with limits equal to at least the limit purchased voluntarily to cover the insured person's liability for bodily injury or death, for the protection of the persons insured under the policy who are legally entitled to recover damages for bodily injury or death from owners or operators of uninsured or underinsured motor vehicles. In no event may the limit written be less than that set forth in AS 28.20.440(b)(2).

(d) An insurance company offering or writing automobile liability insurance for injury to or destruction of property in this state shall

offer coverage described in AS 28.20.440(b)(3) and AS 28.20.440(1)-(o), with limits not less than those prescribed in AS 28.20.440(b)(2) to cover the insured person's liability for injury to or destruction of property, for the protection of the persons insured under the policy who are legally entitled to recover damages for injury to or destruction of the covered motor vehicle from owners or operators of uninsured or underinsured motor vehicles.

(e) The coverage required under (c) and (d) of this section to meet the requirements of AS 28.20.440(b)(3) may be waived in writing by the insured in whole or in part. After selection of the limits by the insured or the exercise of the option to waive the coverage in whole or in part, the insurer shall not be required to notify any policy holder in any renewal, supplemental or replacement policy, as to the availability of the coverage or optional limits, and the waived coverage shall not be included in any renewal, supplemental or replacement policy. The insured may, at any time, make a written request for additional coverage or coverage more extensive than that provided on a prior policy.

Section 5. This Act takes effect September 1, 1984.

Alternate
for
House Bill

3/1/84 DRAFT ALTERNATE FOR HB7
SECTION BY SECTION ANALYSIS.

This draft alternative bill utilizes the House passed version as a starting point. The major distinction between this alternate and the House passed bill is that the alternate uses a point of proof which is at the time of an accident or charge of a serious traffic law violation. This approach is intended to reduce the fiscal impact yet give a reasonable quantity of proofs to assure that the effect of the legislation is maximized. In drafting this alternate, the Division of Insurance has attempted to reflect a variety of interests. This proposal does minimize the administrative cost, though that is still expected to be large, and substantially reduces the cost impact to the insurers providing automobile coverage, thus keeping the increased cost to the insurance purchaser to a minimum. We still believe that the Senate passed version is the best approach to the situation since it allows the responsible person to protect himself, not just the other party in an accident.

This proposal is actually several bills in one. The first is a mandatory automobile law which is dealt with in sections 1, 2, 3, 4, 5, 13, and 17. The second is to make some editorial or clean up changes in the motor vehicle code. This is dealt with in sections 4, 12, and 16. The third is to increase the financial responsibility law limits from the current 25m/50m/10m to 50m/100m/25m. This is done in sections 6, 7, 8, 9, and 13(see sec.28.22.010). The fourth is to require a mandatory offer of uninsured and underinsured motorist coverage for bodily injury and property damage. This is done in sections 10, 11, 13, 14, and 15.

Section 1. Page 1, lines 8-24.

Purpose section. This section is very similar to the purpose section of the financial responsibility law.

Section 2. Page 1, lines 25-31.

This section provides for information about this proposal to be furnished to persons registering an automobile in this state.

Section 3. Page 2, lines 1-8.

This section provides for information about this proposal to be furnished to persons licensing to drive a motor vehicle in this state.

Section 4. Page 2, lines 9-28.

This section modifies the law dealing with the drivers license test to require knowledge of the financial responsibility law and the mandatory automobile insurance requirements.

Section 5. Page 2, lines 29-32 & page 3, lines 1-5.

This section provides for a \$250 license reinstatement fee following a suspension for failure to prove that insurance was in force.

Section 6. Page 3, lines 6-19.

This is the first of several sections revised to reflect higher financial responsibility law limits.

Section 7. Page 3, lines 20-32 & page 4, lines 1-2.

Section reflects higher financial responsibility law limits.

Section 8. Page 4, lines 3-16.

Same comment as section 7.

Section 9. Page 4, lines 17-29.

Same comment as section 7.

Section 10. Page 4, lines 30-32, all of page 5, & page 6, lines 1-16.

This section of the financial responsibility law is amended to add uninsured motorist property damage, underinsured motorist bodily injury and underinsured motorist property damage to the presently offered uninsured motorist bodily injury coverage. The section goes on to define the coverage. The property damage feature is subject to a \$250 deductible. The section describes the priority of coverage when faced with other coverages which provide a benefit in the same circumstances. The offer would be a single combined coverage which is subject to written rejection by the insured.

Section 11. Page 6, lines 17-32 & page 7, lines 1-24.

These new subsections relate to the uninsured/underinsured motorist coverage. In (l), the maximum liability is clarified. In (m), reductions of coverage are noted. In (n), the stacking of limits is prevented. In (o), exclusions of coverage are listed.

Section 12. Page 7, lines 25-29.

The reinstatement fee in the financial responsibility law is increased from \$50 to \$250.

Section 13. Page 7, lines 30-32, all of pages 8-15, & page 16, lines 1-28.

This section sets up the mandatory automobile insurance mechanism along with method of proof, requirements of policy, and, penalties.

Sec 28.22.010. Page 7, lines 30-32, all of pages 8-11, & page 12, lines 1-28.

This section is very similar to AS 28.20.440 in the financial responsibility law. Subsections (b)(1), (b)(3), (c), (f)(1)-(3), (g), and (i)-(o) are identical to provisions in AS 28.20.440. Subsections (a), (b)(2), and, (d) are similar. Several subsections from AS 28.20.440 are not duplicated in this section. These are 440(e), 440(f)(1), and 440(h). A policy issued as proof of financial responsibility under AS 28.20.440

must cover all persons operating the insured automobile with the express or implied consent of the insured. The policy is basically exclusionless with the insurer having absolute liability. This feature is not incorporated in this section of law which describes the automobile liability policy purchased voluntarily to comply with the mandatory provision in this bill. This feature is one where considerable, however unquantifiable, expense is to be found. In drafting this section we have attempted to track the financial responsibility law as closely as possible while avoiding those elements that would increase insurance costs for those person who already have demonstrated responsibility by voluntarily purchasing coverage without a mandatory requirement in the law. Subsections (l)-(o) are the same as provisions being added to the financial responsibility law and discussed in section 11.

Sec 28.22.020. Page 12, lines 29-32 & page 13, lines 1-11. This section requires that policies can not be written for limits less than those in the previous section. It also requires that the policy be written by an admitted insurance company or by one that has filed a power of attorney to permit service of process by the director of insurance.

Sec 28.22.030. Page 13, lines 12-32 & page 14, lines 1-12. This section mandates automobile liability insurance in Alaska. It provides that a person involved in a reportable accident and a person charged with a 6 point violation must prove that insurance was in effect at the time of the accident or the violation. Persons in communities not connected with a highway with an average daily traffic volume greater than 499 unless previously involved in an accident or previously charged with a violation.

Sec 28.22.040. Page 14, lines 13-32 & page 15, lines 1-2. This section sets up the method of proof following a reportable accident.

Sec 28.22.050. Page 15, lines 3-23. This section sets up the method of proof following a serious violation.

Sec 28.22.060. Page 15, lines 24-32 & page 16, lines 1-15. This section provides for an administrative suspension of the drivers license when a person required to prove insurance fails to do so. It call for a one year suspension for each failure and provides a hearing mechanism for persons impacted by the section.

Sec 28.22.070. Page 16, lines 16-22. This section provides for a filing of proof for the future applicable to persons who have failed to prove insurance when so required.

Sec 28.22.080. Page 16, lines 23-28. Separability section.

Section 14. Page 16, lines 29-32 & page 17, lines 1-7.

As amended by replacement language.

This provision in the insurance code ties the mandatory offer of uninsured/underinsured motorist coverage to the description of limits in the financial responsibility law and the mandatory insurance law.

Section 15. Page 17, lines 8-21.

As amended by replacement language.

This section in the insurance code ties the mandatory offer of uninsured/underinsured motorist coverage to the description of that coverage in the financial responsibility law and the mandatory insurance law. The conditions set forth in the financial responsibility law and the mandatory automobile liability insurance law are the same in this section. This placement is necessary since all of the functional powers or authority of the director of insurance are in Title 21. The offer for the bodily injury feature must be equal to the amount voluntarily purchased for bodily injury liability. The limit for the property damage feature is the same as the minimum limit required under the financial responsibility law for property damage liability. The uninsured/underinsured coverage can be waived in whole or in part.

Section 16. Page 17, line 22.

The repeal section repeals two sections in the financial responsibility law that deal with cash or securities as a means of proving financial responsibility for the future. This is inconsistent with a mandatory automobile insurance requirement.

Section 17. Page 17, lines 23-26.

This section requires the Department of Public Safety to conduct an information campaign to get the word out about the new law.

Section 18. Page 17, line 27.

The bulk of the act takes effect on January 1, 1985 to give plenty of lead time to implement the act.

Section 19. Page 17, line 28.

The public information campaign starts three months before the rest of the act is effective.

Replacement language for 3/1/84 draft.

Section 14. AS 21.89.020(a) is amended to read:

(a) An automobile liability policy that [WHICH] insures a owner or operator of a motor vehicle against loss resulting from [HIS] liability for bodily injury or death, or for property injury or destruction, or both, which is sold in the state [AFTER JANUARY 1, 1969, BY AN INSURANCE CARRIER AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE], shall contain limits in at least the amount prescribed for a motor vehicle liability policy in AS 28.20.440(b)(2) and AS 28.22.010(b)(2). [AS 28.20.440(b)(3), AND MEET THE REQUIREMENTS OF AS 28.20.440(b)(3) UNLESS WAIVED AS PROVIDED IN THAT PARAGRAPH.]

Section 15. AS 21.89.020 is amended by adding new subsections to read:

(c) An insurance company offering or writing automobile liability insurance for bodily injury or death in this state shall offer coverage prescribed in AS 28.20.440(b)(3) and AS 28.20.440(1)-(c), or AS 28.22.010(b)(3) and AS 28.22.010(1)-(c), with limits equal to at least the limit purchased voluntarily to cover the insured person's liability for bodily injury or death, for the protection of the persons insured under the policy who are legally entitled to recover damages for injury or death, from owners or operators of uninsured or underinsured motor vehicles. In no event may the limit written be less than that set forth in AS 28.20.440(b)(2) or AS 28.22.010(b)(2).

(d) An insurance company offering or writing automobile liability insurance for injury to or destruction of property in this state shall offer coverage described in AS 28.20.440(b)(3) and AS 28.20.440(1)-(c), or, AS 28.22.010(b)(3) and AS 28.22.010(1)-(c), with limits not less than those prescribed in AS 28.20.440(b)(2) or AS 28.22.010(b)(2) to cover the insured person's liability for injury to or destruction of property, for the protection of the persons insured under the policy who are legally entitled to recover damages for injury to or destruction of the covered motor vehicle from owners or operators of uninsured or underinsured motor vehicles.

(j) The coverage required under (c) and (d) of this section to meet the requirements of AS 28.20.440(b)(3) or AS 28.22.010(b)(3) may be waived in writing by the insured in whole or in part. After selection of the limits by the insured or the exercise of the option to waive the coverage in whole or in part, the insurer shall not be required to notify any policy holder in any renewal, supplemental or replacement policy, as to the availability of the coverage or optional limits, and the waived coverage shall not be included in any renewal, supplemental or replacement policy. The insured may, at any time, make a written request for additional coverage or coverage more extensive than that provided on a prior policy.

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(d) An insurance company offering or writing automobile liability insurance for injury to or destruction of property in this state shall offer coverage described in AS 28.20.440(b)(3) and AS 28.20.440(1)-(c), or AS 28.22.010(b)(3) and AS 28.22.010(1)-(c), with limits not less than those prescribed in AS 28.20.440(b)(2) or AS 28.22.010(b)(2) to cover the insured person's liability for injury to or destruction of property, for the protection of the persons insured under the policy who are legally entitled to recover damages for injury to or destruction of the covered motor vehicle from owners or operators of uninsured or underinsured motor vehicles.

(e) The coverage required under (c) and (d) of this section to meet the requirements of AS 28.20.440(b)(3) or AS 28.22.010(b)(3) may be waived in writing by the insured in whole or in part. After selection of the limits by the insured or the exercise of the option to waive the coverage in whole or in part, the insurer shall not be required to notify any policy holder in any renewal, supplemental or replacement policy, as to the availability of the coverage or optional limits, and the waived coverage shall not be included in any renewal, supplemental or replacement policy. The insured may, at any time, make a written request for additional coverage or coverage more extensive than that provided on a prior policy.

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(d) An insurance company offering or writing automobile liability insurance for injury to or destruction of property in this state shall offer coverage described in AS 28.20.440(b)(3) and AS 28.20.440(1)-(o), or, AS 28.22.010(b)(3) and AS 28.22.010(1)-(o), with limits not less than those prescribed in AS 28.20.440(b)(2) or AS 28.22.010(b)(2) to cover the insured person's liability for injury to or destruction of property, for the protection of the persons insured under the policy who are legally entitled to recover damages for injury to or destruction of the covered motor vehicle from owners or operators of uninsured or underinsured motor vehicles.

(e) The coverage required under (c) and (d) of this section to meet the requirements of AS 28.20.440(b)(3) or AS 28.22.010(b)(3) may be waived in writing by the insured in whole or in part. After selection of the limits by the insured or the exercise of the option to waive the coverage in whole or in part, the insurer shall not be required to notify any policy holder in any renewal, supplemental or replacement policy, as to the availability of the coverage or optional limits, and the waived coverage shall not be included in any renewal, supplemental or replacement policy. The insured may, at any time, make a written request for additional coverage or coverage more extensive than that provided on a prior policy.

Replacement language for 3/1/84 draft.

Section 14. AS 21.89.020(a) is amended to read:

(a) An automobile liability policy that [WHICH] insures a owner or operator of a motor vehicle against loss resulting from [HIS] liability for bodily injury or death, or for property injury or destruction, or both, which is sold in the state [AFTER JANUARY 1, 1969, BY AN INSURANCE CARRIER AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE], shall contain limits in at least the amount prescribed for a motor vehicle liability policy in AS 28.20.440(b)(2) and AS 28.22.010(b)(2). [AS 28.20.440(b)(3), AND MEET THE REQUIREMENTS OF AS 28.20.440(b)(3) UNLESS WAIVED AS PROVIDED IN THAT PARAGRAPH.]

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(d) An insurance company offering or writing automobile liability insurance for injury to or destruction of property in this state shall offer coverage described in AS 28.20.440(b)(3) and AS 28.20.440(1)-(o), or, AS 28.22.010(b)(3) and AS 28.22.010(1)-(o), with limits not less than those prescribed in AS 28.20.440(b)(2) or AS 28.22.010(b)(2) to cover the insured person's liability for injury to or destruction of property, for the protection of the persons insured under the policy who are legally entitled to recover damages for injury to or destruction of the covered motor vehicle from owners or operators of uninsured or underinsured motor vehicles.

(e) The coverage required under (c) and (d) of this section to meet the requirements of AS 28.20.440(b)(3) or AS 28.22.010(b)(3) may be waived in writing by the insured in whole or in part. After selection of the limits by the insured or the exercise of the option to waive the coverage in whole or in part, the insurer shall not be required to notify any policy holder in any renewal, supplemental or replacement policy, as to the availability of the coverage or optional limits, and the waived coverage shall not be included in any renewal, supplemental or replacement policy. The insured may, at any time, make a written request for additional coverage or coverage more extensive than that provided on a prior policy.

Alaska State Legislature



From Jeff
Day

Speaker of the House of Representatives

Official Business

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Under the compromise, persons operating vehicles in isolated communities which are not connected by land highway to the land connected state highway system and/ or roads with an average daily traffic volume greater than 499 are exempt from the insurance provisions. The exemption is void if a person operates a vehicle in such an area but has a history of accident or serious traffic violation.

Under that provision, if a vehicle is operated in a community located on a state highway or accessible by road to the major highway system, the person would be subject to insurance provisions. The following is a general list of communities located on the land connected state highway system or accessible to that system by other land roadways.

THIS IS NOT AN OFFICIAL LIST.

ALASKA HIGHWAY connects with Glenn, Taylor, Steese and Elliott Highways

Northway
Tok
Tanacross
Dot Lake
Delta Junction
North Pole
Fairbanks

PARKS HIGHWAY connects with Glenn highway

Wasilla	Peters Creek
Knik	Cantwell
Houston	Kantishna
Willow	Healy
Talkeetna	Clear
Trapper Creek	Anderson
Nenana	Ester
Fairbanks	

GLENN HIGHWAY connects with Alaska, Richardson, Parks highways

Tok	Chistochina	Sutton	Eagle River
Mentasta	Gakona	Palmer	
Slana	Gulkana	Eklutna	
Nabesna	Glennallen	Chugiak	

Subject to insurance requirements (continued)

RICHARDSON HIGHWAY connects with Glenn, Edgerton and
Denali Highways

Valdez
Old Valdez
Dayville
Copper Center
Paxson

SEWARD HIGHWAY connects with Anchorage
and Sterling Highway

Anchorage
Indian
Girdwood
Portage
Hope
Moose Pass
Seward

STERLING HIGHWAY connects with Seward highway

Cooper Landing
Sterling
Soldotna
Kerai
North Kenai
Kasilof
Clam Gulch
Ninilchik
Anchor Point
Homer

STEESE HIGHWAY connects with Parks and Alaska
Highways

Circle
Circle Hot Springs
Central
Fox
Chena Hot Springs
Fairbanks

TAYLOR HIGHWAY connects with AK. Highway

Chicken
Eagle

ELLIOTT HIGHWAY connects to Steese, Parks, Alaska
and Dalton Highways

Livengood
Minto
Manley Hot Springs

Subject to insurance requirements (continued)

DENALI HIGHWAY connects to Parks and Richardson
Highways

Cantwell
Paxson

EDGERTON HIGHWAY connects to Richardson Highway

McCarthy
Chitina

HAINES HIGHWAY connects to Alaska Highway

Haines Klukwan
Haines Junction

KLONDIKE HIGHWAY 2 connects with Alaska Highway

Skagway

The following are not communities which are connected to the land connected highway system but which contain roads which are connected to roadways that carry traffic in excess of 500 vehicles per day and thus would be subject to the insurance provisions. THIS IS NOT AN OFFICIAL LIST.

Dillingham
Aleknagik (connected to Dillingham)

Kodiak
Larsen Bay (connected to Kodiak)

Unalaska
Dutch Harbor

Bethel

Nome (all communities
Teller connected
Solomon by
Council road)
Ophir

Ketchikan (Tongass Highway)
Ward Cove

Craig Hydaburg (all communities
Klawock Naukati connected
Hollis Coffman Cove by
Thorne Bay road)

Wrangell (Zimovia Highway)
Petersburg (Mitkof Highway)

CONTINUED

The following are not communities which are connected to the land connected highway system but which contain roads which are connected to roadways that carry traffic in excess of 500 vehicles per day and thus are subject to the insurance provisions. NOT AN OFFICIAL LIST.

Juneau
Sitka
Saxman

Cordova
King Salmon
Naknek
Seldovia

Adak (?)

The following would be exempt from the insurance requirement. While this is not a complete list it is representative of the type of community that would be exempt, unless connected by road to a community listed on the previous pages. NOT AN OFFICIAL LIST

Akhiok	Koyuk	Togiak
Akiachak	Koyukuk	Toksook Bay
Akiak	Kwethluk	Tuluksak
Akutan	Kwigillingok	Tuntutuliak
Alakanuk	Levelock	Tununak
Allakaket	Manokotak	Twin Hills
Ambler	McGrath	Tyonek
Angoon	Medfra	Ugashik
Aniak	Mekoryuk	Unalakleet
Annette	Metlakatla	Upper/Lo. Kalskag
Anvik	Mountain Village	Venetie
Arctic Village	Naknek	Wainwright
Atka	Napakiak	Wales
Atmautluak	Napaskiak	White Mountain
Attu	New Stuyahok	Yakutat
Beaver	Newhalen	
Bartlett Cove	Newtok	
Bettles	Nightmute	
Eirch Creek	Nikolai	
Brevig Mission	Nikolski	
Buckland	Noatak	
Chalkyitsik	Nondalton	
Chevak	Noorvik	
Chignik	Nuiqsut	
Chuathbaluk	Nulato	
Cold Bay	Nunapitchuk	
Deering	Nyac	
Bek	Old Harbor	
Egegik	Ouzinkie	
Ekwok	Pelican	
Elim	Pilot Point	
Emmonak	Pilot Station	
Flat	Point Hope	
Fort Yukon	Point Lay	
Galena	Port Alexander	
Gambell	Port Alsworth	
Golovin	Port Graham	
Goodnews Bay	Port Heiden	
Grayling	Port Lions	
Gustavus	Quinhagak	
Holy Cross	Rampart	
Hoonah	Ruby	
Hooper Village	Sand Point	
Hughes	Savoonga	
Huslia	Scammon Bay	
Hyder	Selawik	
Iliamna	Shageluk	
Kake	Shaktoolik	
Kaktovik	Shishmaref	
Kaltag	Shungnak	
Karluk	Skwentna	
Kasaan	Sleetmute	
Kasigluk	St. George	
King Cove	St. Marys	
Kipnuk	St. Paul	
Kivalina	Stebbins	
Kobuk	Stevens Village	
Kokhanok	Stony River	
Koliganek	Tanana	
Kongiganak	Tatitlek	
Kotlik	Tenakee Springs	
Kotzebue		

Alaska State Legislature



Speaker of the House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3720

Official Business

March 14, 1984

Honorable Jalmar Kerttula
President
Alaska State Senate
Juneau, Alaska

Honorable Joe Hayes
Speaker
House of Representatives
Juneau, Alaska

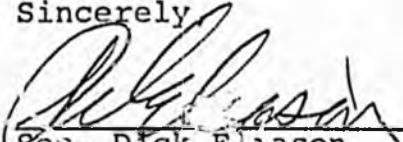
Dear Mr. President and Mr. Speaker:

The Conference Committee on House Bill 7 (motor vehicles) requests powers of limited free conference to address the following issues:

1. Clarification of the intent and purposes section regarding who should be required to carry insurance and when and how the purpose of the law should be accomplished.
2. A requirement to provide motorists information about the mandatory insurance law at the time of registration and licensure.
3. Establishment of a license reinstatement fee following suspension of a license.
4. Expand and define the coverage intended to be offered as uninsured and underinsured insurance.
5. Define the coverage of a liability insurance policy to be offered under the mandatory insurance law.
6. Establish the point at which adequate liability insurance must be demonstrated.

7. Allow for an exemption from the insurance requirement for operation of vehicles in remote, isolated areas unless the motorist has a history of traffic violations.
8. Define the method of demonstrating proof of insurance following an accident or traffic violation.
9. Provide for administrative revocation of driver's license and review process to be followed prior to suspension.
10. Addition of separability clause.
11. Amend insurance code to reflect a mandatory offer of the uninsured and underinsured coverage required as defined in mandatory insurance law.
12. Requirement of public education campaign prior to effective date of the mandatory law.
13. Change in effective dates.

Sincerely



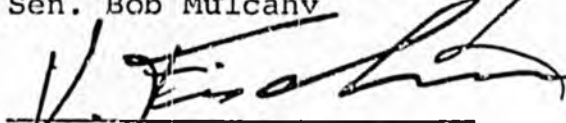
Sen. Dick Eliason

Rep. Joe Hayes



Sen. Bob Mulcahy

Rep. Charlie Bussell



Sen. Vic Fischer

Rep. Ron Wendte

HB

1

7

Directions: Please circle the best options

OPTION:	SB 61	CSHB 17 (Jud)am	SB 226	Current Law	Recommendations / Explanations
ENFORCEMENT 1. Selective enforcement roadblocks	no provision	no provision	no provision	no provision	Anchorage Muni. Prosecutor, Allen Baily, suggested that this program be implemented at the municipal level (see attachment 1). <i>Baily Ross</i>
2. Mandatory breath alcohol content tests for those stopped for moving violations	no provision	no provision	no provision	PBTs are used in the Anch. area	Dennis Kelso, and Larry Ross recommended this as a successful deterrent (see attachment 2).
3. Implied consent	no provision	no provision	no provision	consent for BAC tests is given upon receiving driver's license	
4. back up crews to decrease police officer off-road time.	no provision	no provision	no provision	no provision	increase enforcement efforts (see attachment 3).
5. purchase more accurate breathalizers	no provision	no provision	no provision	no provision	evidence in court would be more reliable

Field testing

ADJUDICATION AND SANCTIONING	SB 61	CSHB 17(Jud) am	SB 226	Current law	Recommendations /Explanations
1. Minimum fines for DWI or Breath test refusal	✓ 1st conviction \$250min, \$500max. 2nd conviction \$500min, 1000max. 3rd conviction \$1000min, 2500max.	no provision	no provision	no provision	recommended by many as appropriate sanction. was recommended as a deterrent (see attach. #4)
2. Minimum Incarceration for DWI and breath test refusal	✗ 1st conviction 72 consec. hrs. 2nd conviction 20 consec. days 3rd or subsequent conviction 30 consec. days min.	no provision	no provision	1st conviction 72 consec. hrs. 2nd conviction w/in 1yr 20dy. w/in 5yr 10dy.	recommended by many as appropriate sanction. --very expensive. success was questioned at at hearings (see attach. #5).
3. Presentence Investigation report	✓ no provision	no provision	no provision	no provision	recommended by many as way to increase DWI conviction rate
4. Increase penalty for causing death or bodily injury	✗ no provision	no provision	no provision	no provision	recommended in hearings as appropriate retribution
5. make sanctions for driving while license revoked equal to DWI	✓ 14 consecutive days, \$500 min.	no provision	no provision	no provision	recommended as a deterrent for drunk driving, and driving in violation of license revocation
6. driver's license suspensions	✗ no provision	no provision	no provision	no provision	recommended as one of the most successful deterrents

? 30 day / 90 day?

how differ from 7. & 8. ?

ADJUDICATION/ SANCTIONING	SB 61	CSHB17(Jud)am	SB 226	Current Law	Recommendations/ Explanations
7. driver's license revocations	1st conviction DUI or refusal 90 day minimum 2nd conviction 1 yr license revocation, 3rd or subs. conviction permanent revocation	no provision	no provision	1st conviction DUI-30 day min, or 60 day limited license /revocation combination 2nd conviction w/in 1 yr license revoc./ no limited lic. 3rd conviction no lim. lic. for 3 years.	recommended as one of the most successful deterrents
8. administrative license revocation	enf. officer shall seize license. (see attach #6)	no provision	no provision	no provision	recommended by Allen Baily as as one of the most successful deterrents.
9. community service.	no provision	no provision	no provision	no provision	cheaper than incarceration/ similar effect.
10. automobile impoundment	car being used when apprehended shall be impounded for 3rd or subsequent conviction	no provision	no provision	Anchorage Muni. Judges may impound auto used for no less than 30 days upon 2nd conviction, and no less than 60 days for 3rd convict.	constitutional questions have been raised concerning this sanction.
11. automobile forfeiture	car being used when apprehended may be forfeited	no provision	no provision	no provision	was recommended numerous times during hearings as appropriate sanction

under judge determines...

under what circumstances

DECREASE ALCOHOL BEVERAGE CONSUMPTION	SB 61	CSHB 17(Jud)am	SB 226	Current Law	Recommendation/Explanation
1. raise the minimum drinking age. ?	no provision	raises to 21. contains advisory vote provision. Those under 21 may work in estab. serving alcohol. KELLY-CS	no provision	no provision	recommended for general deterrence. May decrease alcohol related accidents by 28%.
2. increase the excise tax on liquor X	no provision	no provision	no provision	no provision	a 50¢ increase per 5th is said to decrease alcohol consumption by 5%. if do - drastic increase
3. prohibit open alcohol containers in automobiles ✓	no provision	no provision	no provision	prohibited in Muni. of Anch.	recommended by many as most obvious way to decrease drunk driving
4. decrease bar hours X	no provision	no provision	no provision	no provision	would decrease amount of time for persons to consume alcohol
5. distribute alcohol licenses which are similar to driver's licenses. ? look into further	no provision	no provision	no provision	no provision	allow regulation of problem drinkers and habitual drinkers who drive.
6. increase the price of liquor licenses X	no provision	no provision	no provision	no provision	accord. to some, this would decrease the number of alcohol estab.

DECREASE ALCOHOL BEVERAGE CONSUMPTION		SB 61	CSHB 17(Jud)am	SB 226	Current Law	Recommendation/ Explanation
7. mandatory food service between certain hours	X	no provision	no provision	no provision	no provision	this would decrease the rate at which one became intoxicated.
ENGINEERING EFFORTS/ DRIVING SAFETY		SB 61	CSHB 17(Jud) am	SB 226	Current Law	Recommendations
1. mandatory seat-belt use	X	no provision	no provision	no provision	no provision	According to Larry Ross this would drastically reduce the number of auto fatalities
2. child safety restraints	X	no provision	no provision	no provision	no provision	this measure drastically reduces the number of infant fatalities.
3. lower the speed limit to 50mph	X	no provision	no provision	no provision	no provision	lowering the speed limit was one of the two most successful highway safety measures in the '70's.
4. mandatory auto insurance	X	no provision	no provision	no provision	no provision	would make driver's more respons. for their actions. increased ins. rates would be a natural deterrent.
5. require digital add on equip. for car ignitions	X	no provision	no provision	no provision	no provision	would make it virtually impossible to start autos when intoxicated
6. curfew licenses for drivers under 17	X	no provision	no provision	§5 driving prohibited for 16-17 year olds between 12am and 5am(see Attach 7)	no provision	could decrease fatalities for those covered under bill by as much as 63%

upon DWI conviction

REHABILITATION TREATMENT/ EDUCATION	SB 61	CSHB 17(Jud)am	SB 226	Current law	RECOMMENDATION
1. provide rehabilitation in incarceration facilities	no provision	no provision	no provision	no provision	recommended by Judge Andrews as necessary for habitual offenders
2. court mediator or hotline for problem drinkers	no provision	no provision	no provision	no provision	some felt that this was necessary for those who have no where to turn
3. teenage treatment program or facilities	no provision	no provision	no provision	no provision	treatment for teens should be tailored differently than that for adults.
4. rehabilitation treatment	offender shall undertake rehabilitation or education specified by the court	no provision	no provision	treatment administered with judicial discretion	
5. education	offender shall undertake rehabilitation or education specified by the court	no provision	will provide education in high schools (see attach 7).	provided as treatment at discretion of courts	

ATTACHMENT 1

April 16, 1983

Selective enforcement roadblocks

Selective enforcement roadblocks have been implemented in a number of countries, and in the United States.

A pilot project was implemented in the state of Maryland to aid in the detection and apprehension of intoxicated drivers. The program is anticipated to be a deterrent for potential drunk drivers.

The safety of citizens as well as Public Safety personnel will be considered in the selection of the sites. The sites will also be selected based on time of day, day of week location, and the number of accidents located in that area. The sites must also have a safe area in which cars can stop.

The Maryland project does not use barricades to block oncoming traffic. All traffic approaching the checkpoint will pass through the checkpoint where the car will be approached by a police officer who will hand the driver a brochure prepared to explain the selective roadblock. If the officer detects alcohol while the car is stopped, the driver will be detained and required to present their driver's license and vehicle registration. They may also be required to give a preliminary breath test. If sufficient evidence of intoxication is developed, the driver will be arrested.

No action will be taken against a driver for merely turning off the roadway before the checkpoint.

ATTACHMENT 2

April 16, 1983

Mandatory Breathalyzer tests

A number of states give preliminary breath alcohol tests for all persons who are stopped for moving violations or who are involved in car accidents. The probable cause to give the test is simply that alcohol impairment may have caused the accident or the illegal driving pattern.

This was recommended by Dr. Dennis Kelso during the April 9, 1983 hearing as one of the best ways to increase enforcement efforts.

The lack of adequate enforcement was established as one of the largest loopholes in the drunk driving situation.

ATTACHMENT 3

April 16, 1983

Backup crews to assist police officers

Currently, the Alaska state trooper must spend at least one hour with the car of the apprehended person until the car can be impounded.

Using backup crews to come and wait with the car was recommended during the April 9 hearing as one way to decrease their down time which would ultimately increase enforcement.

ATTACHMENT 4

April 16, 1983

Mandatory minimum fines

Many opposing views were expressed on this option during the hearings. For instance, Anchorage Municipal Prosecutor Allen Baily suggested that fines would be an appropriate deterrent for drunk driving. District Court Judge, Elaine Andrews, expressed her concern about the difficulties in trying to collect the fine when the person is unable to pay.

ATTACHMENT 5

April 16, 1983

Mandatory Minimum incarceration

Included with this attachment are copies of the request we made from the Division of Corrections regarding the costs of installing and operating new or used modular minimum security facilities. Also included is a letter recommending the Harborview Disability Center as a minimum security facility.

Clearly, these suggestions have been made because of the strain already existing on the correctional facilities in the state.

Many persons during the hearings testified in favor of mandatory incarceration, and they generally stated it was a successful and warranted deterrent. Dr. Ross, on the other hand, stated that in England during the Road Safety act, there was no mandatory incarceration. The sanction for DWI was suspension of the driver's license. He suggested that the primary deterrent decreasing the fatality rate was the public's perception that they would be caught-- alcohol related accident fatalities rose within months of the implementation of the act with the change in the public perception.

DEPT. OF HEALTH AND SOCIAL SERVICES
OFFICE OF THE COMMISSIONERPOUCH H 01
JUNEAU, ALASKA 99811

PHONE:

DOCUMENT NO. 83-154

April 15, 1983

The Honorable Vic Fischer
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Fischer:

On Thursday April 7, 1983, your Committee requested that Corrections provide information regarding capital and operating costs for an institution which would house offenders convicted for drunk driving offenses (DMVI or DWI). In a short time we have reviewed available data and have formulated what we believe to be reasonable assumptions. This response is offered to your Committee with an understanding that the Sheffield Administration has not addressed the question as to whether this concept would be appropriate to pursue, and that funds are not available within current operating or capital requests to create an institution for this purpose. Further, this response is based on current statutes and law enforcement practices. Proposed changes under consideration could increase the numbers of offenders.

Sufficient numbers of offenders for a specialized facility to confine drunk drivers are only found in the southcentral region of the State. From data presently available we believe that a fifty five bed capacity would be necessary. It is likely that a site in the Matanuska Valley will be acquired for correctional purposes. Assuming the purchase of a 55 bed pipeline camp for transfer and setup it is estimated that capital costs for acquisition and site development would total \$3,350,000.

Twelve month operating costs for a 55 bed facility are estimated to be \$1,213,700. This figure includes a staff of nineteen, purchase and operation of two vans for transporting offenders to and from population centers, and routine operating costs.

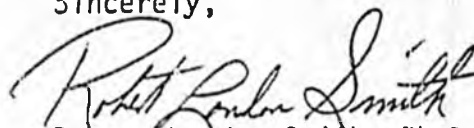
Programmatic issues for a specialized facility of this type have not been fully addressed. Many believe that those serving short sentences of three or ten days for drunk driving are not necessarily candidates for alcohol treatment programs. Some argue that the punitive impact of incarceration is most appropriate, while others believe that needs assessment and referral are the proper goals for this setting and population. Still others support a full educational and treatment effort. Two Social Worker III positions have been included in the proposed staff to provide on site alcoholism counseling. With staggered shifts and days of work, the counseling can be provided seven days a week.

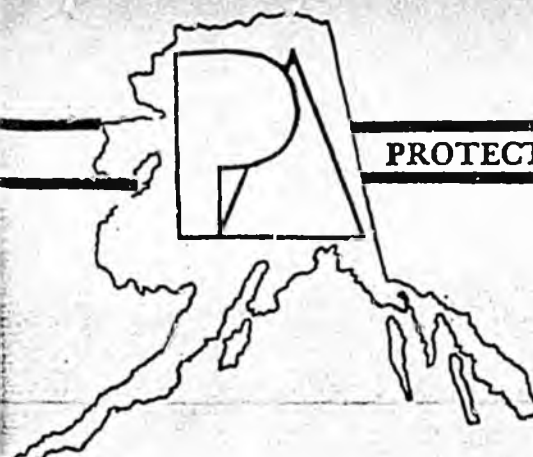
The Honorable Vic Fischer
Page 2

While funding for a 110 bed minimum custody facility has not been identified in budget requests, future planning calls for a facility of this size and custody classification. Due to initial site development and core facility costs for the first 55 bed facility, the remaining 55 bed capacity could be added for a comparatively small sum. Estimates to erect housing and core facility pipeline structures for the second 55 inmates at the same site are \$400,000, for a total capital investment of \$3,750,000. Twelve month costs for a 110 bed facility with a staff of 36 and related operational/inmate costs would total \$2,332,500. The additional 55 beds could be used for housing misdemeanor and minimum custody felony inmates.

It is my hope that this information is responsive to your inquiry. I wish to reiterate that the Administration has not developed a position regarding the appropriateness of a specialized facility for drunk drivers, nor would operating or capital funds be available for such a project within the Governor's FY'84 requests.

Sincerely,


Robert London Smith, Ph.D.
Commissioner



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

David Maltman-Director
Jeff Jessee-Staff Attorney
Annely Girard-Coordinator
325 East 3rd, 2nd Floor
Anchorage, AK 99501
(907) 274-3658

Jan Maas-Advocate
419 6th St., Rm. 232
Juneau, AK 99801
(907)586-1627

Patricia Pennella-Advocate
763 7th Ave.
Fairbanks, AK 99701
(907)456-1070

April 13, 1983

Senator Vic Fischer
Pouch V
Mail Stop 3100
Juneau, Alaska 99811

Dear Senator Fischer:

This letter concerns the need for the State of Alaska to obtain a minimum security facility for the treatment of drunk drivers.

I noticed in the papers that it has been suggested that surplus pipeline camps be purchased and renovated for this purpose. It is my suggestion that the state first look to existing facilities that are not being appropriately utilized. The most notable example of this type of facility is Harborview Developmental Center for the developmentally disabled in Valdez.

Harborview currently provides residential care for up to 96 developmentally disabled Alaskans. Unfortunately, Harborview was constructed before it was realized that the developmentally disabled could be better served in community settings. This has resulted in the unnecessarily institutionalization of many Alaskans. There is a tremendous loss of human dignity and potential which occurs because of this state policy of institutionalization. In addition, the \$85,000 per person per year spent on this primarily custodial care is staggering at a time when community services have been set back for three years in a row. There is a strong consensus growing that the people in Harborview must be returned to their families and communities as soon as possible. As a result, the state will need to find alternative uses for this building.

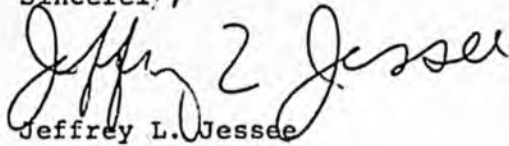
Harborview would be well-suited for use as a minimum security facility. Constructed after the earthquake of poured reinforced concrete, it contains a large cafeteria and laundry. In addition, each exterior door has an alarm system in place and the activities on each hall can be monitored from central nursing stations. The

local hospital is also located in the other end of the building. Renovations currently underway will result in a more efficient heating system and a new roof.

Alaskan's now believe that it is the drunken drivers that should be removed from the community, not the handicapped. I can think of no better expressions of this long overdue realization than by changing the use of Harborview.

Thank you for your consideration of this idea and please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey L. Jesse". The signature is written in dark ink and is positioned above the typed name.

Jeffrey L. Jesse
Staff Attorney

JLJ:bk

ATTACHMENT 6

April 16, 1983

Administrative license revocation

SB 61 states that if a person under arrest refuses to take the breathalyzer test, or if their BAC is above the legal limit, the enforcement officer shall seize that persons driver's license. The officer shall read and deliver to the person arrested a notice advising him or her that: 1) the state intends to revoke their driver's license; 2) the person has a right to obtain a court review of the revocation; 3) the notice is a temporary driver's license expiring seven days from date of notification; 4) the revocation of the person's driver's license shall take effect upon the expiration of the temporary driver's license unless that person within seven days initiates court proceedings to rescind the revocation.

ATTACHMENT 7

April 16, 1983

Curfew license provisions in SB 226

This bill creates three different stages of driver's licenses, and decreases the hours in which a person having a permit only can drive according to the outline below.

SB 226:

1) prohibits those automobile drivers with learning permits (as opposed to licenses) from driving between the hours of 9pm and midnight on Friday and Saturday, and prohibit them from driving between midnight and 5am every morning.

2) provides in the state driver's manual a more substantial section on the dangers of combining driving and alcohol-- including a portion on how to recognize an intoxicated driver, and create a corresponding section in the written examination.

3)creates a Stage 1 license--

-- this license would apply to 16 year old persons, and to those who are 17 years old who have not had driver's education.

-- persons with this license would be prohibited from driving between the hours of midnight and 5am unless accompanied by a parent or a spouse 18 years of age or older, or unless traveling to or from work or in the course of employment with a signed affidavit in hand from the employer.

-- two moving violations, 1 DWI, or driving in violation of the curfew would result in the revocation of this license, but would allow them to apply for a learner's permit.

4)creates a Stage 2 license--

--this license would apply to 17 year olds who have passed driver's education.

--to qualify for this license a 17 year old must have 6 consecutive months prior to application with no moving violations, and no DWIs or curfew violations.

--a moving violation, a DWI, or a curfew violation results in the revocation of the Stage 2 license. The person would, however, be able to apply for a stage 1 license.

--this Stage 2 license would not have any driving curfew.

5) creates a Stage 3 license equal to the current Alaska State driver's license in every way except that you must be 18 to be eligible for that license--

--any Alaska State resident currently eligible for a driver's license, and who is 18 years of age would be eligible for a Stage 3 license.

--traffic violations obtained with a permit, stage 1 license, or a stage 2 license shall be applied to the stage 3 license in compliance with current Alaska law when that license is obtained on or after their 18th birthday.

6) provides an effective date of January 1, 1984

--those who receive their driver's licenses before January 1, 1984 would have a three month period in which to obtain the appropriate license after the effective date of the bill before their license automatically expires.

7) in accordance with this bill, driver's education courses must be available to all persons under 18 through the high school curriculum.

HB 6 :

1st conviction DWI or refusal

driver' license seized at time of arrest .
and revoked or suspended for 90 days. (~~limited license~~)

72 hours in jail

minimum \$250 fine

mandatory treatment

2nd conviction

20 days incarceration

license revoked for one year

minimum \$500 dollar fine

mandatory treatment

3rd conviction

30 days incarceration

license is revoked for 10 years

mandatory treatment

minimum \$1000 dollar fine

may have to forfeit vehicle involved in the offense.

Also in the bill (Finance version)

preliminary Breath tests (section 16 of finance version)

administrative license revocation (section 3)

---sobriety checkpoints (in statae affairs--deleted in Judiciary)

---open container provision (Also deleted in Judiciary)

Chemical test may be administered to an unconscious person (section 22 of finance version of the bill).

proof of financial responsability must be shown to obtain a new driver's license once your license has been revoked etc...(section 12).

four hour provision for measuring BAC at time of arrest (section 13).

alcohol and drug section added to the written portion of the driver's license examination (section 2).

H-B 6
~~CSSB 61~~ (State Affairs)

	PRESENT LAW	SB 61	
Grounds for Immediate revocation of Driver's license.	Refusal of chemical test of breath was not included.	Adds the refusal to submit to a chemical test of breath to the grounds for the immediate revocation of a driver's license	Same as SB 61
License suspensions, revocations, and limitations for DWI	1st conviction: license revoked for 30 day minimum, or limited license and revocation for 60 days minimum. 2nd conviction: license is revoked for one year minimum. No limited license privileges. 3rd or subsequent conviction: license is revoked for 3 years. No limited license privileges.	1st conviction: driver's license is seized at the time of arrest if driving a motor vehicle. License is revoked or suspended for 90 days. No limited license privileges. 2nd conviction: driver's license is seized at the time of arrest. License is revoked for one year. No limited license privileges. 3rd or subsequent conviction: Driver's license is seized at the time of arrest. License is revoked permanently.	1st conviction: driver's license is seized at the time of arrest. License is revoked for 90 days. Limited License privileges may be granted for the last 60 days. 2nd conviction: same as SB 61. 3rd or subsequent conviction: Driver's license is seized at time of arrest. License is revoked for 10 years. No limited license privileges.
Imprisonment for DWI or refusal of breath test.	1st conviction: not less than 72 consecutive hours. 2nd conviction: not less than 10 consecutive days if offense was committed within 5 years of previous conviction, or, not less than 20 consecutive days if the offense was committed within one year of previous conviction.	1st conviction: same as present law. 2nd conviction: not less than 20 consecutive days. 3rd or subsequent conviction: not less than 30 consecutive days.	1st conviction: same as SB 61. 2nd conviction: same as SB 61. 3rd or subsequent conviction: same as SB 61.

PRESENT LAW

SB 61

HB 6
~~SSB-61~~ (State Affairs)

License suspensions, revocations, and limitations for refusal of breath test

1st offense: ineligible for a driver's license or permit for a three months' period unless the court finds hardship and modifies the suspension or revocation.
2nd conviction: if there is a conviction for DWI or refusal of breath test, revocation is for one year.

All penalties for refusal to submit to a chemical test of breath are identical to the above penalties for driving while intoxicated.

All penalties for refusal to submit to a chemical test of breath are identical to the above penalties for DWI.

Fines for DWI or refusal of breath test

Not more than \$1000.00

1st conviction \$250 minimum-- \$500 maximum fine.
2nd conviction: \$500-- \$1,000
3rd conviction: \$1,000-- \$2,500

1st conviction: not less than \$250.
2nd conviction: \$500 minimum.
3rd conviction: \$1,000 minimum.

Impoundment of vehicle

no provision

1st offense: 15 days
2nd offense: 90 days

impoundment section has been deleted (see amendment to this bill).

Forfeiture of vehicle

no provision

If a person has been convicted more than once of DWI or refusing to submit to a chemical test of breath, the court may order the forfeiture of a motor vehicle.

Adds new sections. An additional provision is made for the remission of forfeitures, a procedure to allow a person with ownership or security interests in a forfeited motor vehicle to claim the vehicle or interest in the vehicle through court proceedings. A municipality is granted the authority to provide for impoundment and forfeiture of a motor vehicle in similar circumstances.

	PRESENT LAW	SB 61	HB 4 CSSB 61 (State Affairs)
Administrative revocation of driver's license	no provision	On refusal to submit to a chemical test for breath or if a test indicates an alcohol concentration of 0.10 or more, the law enforcement officer shall seize the driver's license. The officer reads the a notice and give the driver a copy of the notice. The notice explains the revocation procedure. The notice is a temporary driver's license that expires in 7 days unless the driver initiates court proceedings to rescind the revocation of the license.	Adds additional language which will stay a revocation if the person initiates a court action to rescind the Department of Public Safety's action. Procedures for court review of an administrative revocation are set out.
Use of preliminary breath testing (PBT)	no provision	No provision	Section 15 requires a person involved in an accident or who commits certain serious traffic offenses, or who drives in a manner that creates a risk to a person or property to submit to a preliminary breath test that may be used by an officer in determining whether to arrest the person. Refusal to submit to the test is a violation punishable by a fine.
Driving while license is cancelled, suspended, revoked, or in violation of limitation.	not less than 10 days. no provision for a fine.	not less than 14 consecutive days. Fine- not less than \$500 nor more than \$1,000.	section 11 in CSSB 61 (State Affairs) provides a minimum penalty of 30 days imprisonment and a fine of \$500 for driving when driving privileges have been revoked for DWI or refusal to submit to a chemical test if the person has been convicted once within the last 10 years. If the person has been convicted more than once of DWI or refusal to submit to a chemical test and continues to drive while privileges have been revoked, the minimum penalty is 90 days imprisonment and a fine of \$1,000.

(3)

Offered: 2/8/83
Referred: Finance

Original sponsors: Martin, M.W.Miller,
M.M.Miller, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 17 (Judiciary) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act authorizing an advisory vote on the drinking
7 age; raising the drinking age to 21; allowing employ-
8 ment of certain minors in licensed premises; and
9 amending other provisions of law relating to the
10 drinking age."

11

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

12

* Section 1. AS 04.11.090(f) is amended to read:

13

(f) The area designated as the licensed premises under a bever-
14 age dispensary license issued to a bowling alley may include the
15 concourse or lane areas of the bowling alley. Notwithstanding AS 04.-
16 16.049, the board may, upon application, authorize access by persons
17 under 21 [19] years of age to the concourse or lane areas designated
18 part of the bowling alley's licensed premises during hours when no
19 alcoholic beverages are being sold, served, or consumed.

20

* Sec. 2. AS 04.11.110(g) is amended to read:

21

(g) Notwithstanding AS 04.16.049, the board may authorize access
22 by persons under 21 [19] years of age to a club's licensed premises
23 during hours when no alcoholic beverages are sold, served, or con-
24 sumed.

25

* Sec. 3. AS 04.11.460(c) is amended to read:

26

(c) For the purposes of this section, "permanent resident" means
27 a person 21 [19] years of age or older who has established a permanent
28 place of abode.

29

* Sec. 4. AS 04.16.049(a) is repealed and reenacted to read:

1 (a) A person under the age of 21 years may not knowingly enter
2 or remain in premises licensed under this title unless

3 (1) accompanied by a parent, guardian or spouse who has
4 attained the age of 21 years;

5 (2) the person is at least 16 years of age, the premises
6 are designated by the board as a restaurant for the purposes of this
7 section, and the person enters and remains only for dining; or

8 (3) the person is under the age of 16 years, is accompanied
9 by a person over the age of 21 years, the parent or guardian of the
10 underage person consents, the premises are designated by the board as
11 a restaurant for the purposes of this section, and the person enters
12 and remains only for dining.

13 * Sec. 5. AS 04.16.049(b) is amended to read:

14 (b) Notwithstanding (a) of this section, a licensee or an [,
15 HIS] agent [,] or employee of the licensee may refuse entry to a
16 person under the age of 21 [19] years to that part of licensed prem-
17 ises in which alcoholic beverages are sold, served, or consumed, may
18 refuse service to a person under the age of 21 [19] years, or may
19 require a person under the age of 21 [19] years to leave the portion
20 of the licensed premises in which alcoholic beverages are sold, serv-
21 ed, or consumed.

22 * Sec. 6. AS 04.16.049(c) is amended to read:

23 (c) Notwithstanding any other provision in this section, a
24 person between 16 and 19 years of age may enter and remain within the
25 licensed premises of a hotel, restaurant, or eating place in the
26 course of [HIS] employment if (1) the employment does not involve the
27 serving, mixing, delivering, or dispensing of alcoholic beverages; (2)
28 the person has the written consent of a parent or guardian; and (3)
29 an exemption from the prohibition of AS 23.10.355 is granted by the

1 Department of Labor. The board, with the approval of the governing
2 body having jurisdiction and at the licensee's request, shall design-
3 nate which premises are hotels, restaurants, or eating places for the
4 purposes of this subsection.

5 * Sec. 7. AS 04.16.049 is amended by adding a new subsection to read:

6 (d) Notwithstanding any other provision in this section, a
7 person 19 years of age or older may be employed within the licensed
8 premises of a hotel, restaurant or eating place, may enter and remain
9 within those premises for the purpose of employment, and may in the
10 course of employment, serve, deliver or dispense alcoholic beverages.

11 * Sec. 8. AS 04.16.050 is amended to read:

12 Sec. 04.16.050. POSSESSION OR CONSUMPTION BY PERSONS UNDER THE
13 AGE OF 21 [19]. A person under the age of 21 [19] years may not
14 knowingly consume, possess, or control alcoholic beverages except
15 those furnished persons under AS 04.16.051(b).

16 * Sec. 9. AS 04.16.051(a) is amended to read:

17 Sec. 04.16.051. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS
18 UNDER THE AGE OF 21 [19]. (a) A person may not furnish an alcoholic
19 beverage to a person under the age of 21 [19] years.

20 * Sec. 10. AS 04.16.052 is amended to read:

21 Sec. 04.16.052. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS
22 UNDER THE AGE OF 21 [19] BY LICENSEES. A licensee or an [, HIS] agent
23 [,] or employee of the licensee may not with criminal negligence

24 (1) allow another person to sell, barter, or give an alco-
25 holic beverage to a person under the age of 21 [19] years within
26 licensed premises;

27 (2) allow a person under the age of 21 [19] years to enter
28 and remain within licensed premises except as provided in AS 04.16.-
29 049;

1 (3) allow a person under the age of 21 [19] years to con-
2 sume an alcoholic beverage within licensed premises;

3 (4) allow a person under the age of 21 [19] years to sell
4 or serve alcoholic beverages. *except as provided in AS 04.16.049(d)*

5 * Sec. 11. AS 04.16.060 is amended to read:

6 Sec. 04.16.060. PURCHASE BY PERSONS UNDER THE AGE OF 21 [19].

7 (a) A person under the age of 21 [19] years may not purchase alco-
8 holic beverages or solicit another to purchase alcoholic beverages for
9 the person under the age of 21 [ON HIS BEHALF].

10 (b) A person may not influence the sale, gift, or service of an
11 alcoholic beverage to a person under the age of 21 [19] years, by
12 misrepresenting the age of that person.

13 (c) A person may not order or receive an alcoholic beverage from
14 a licensee, an [HIS] agent or [,] employee of the licensee, or another
15 person, for the purpose of selling, giving, or serving it to a person
16 under the age of 21 [19] years.

17 (d) A person under the age of 21 [19] years may not enter li-
18 censed premises where alcoholic beverages are sold and offer or pre-
19 sent to a licensee or an [, HIS] agent [,] or employee of the licensee
20 a birth certificate or other written evidence of age, that [WHICH] is
21 fraudulent or false or that [WHICH] is not actually the person's [HIS]
22 own, or otherwise misrepresent the person's [HIS] age, for the purpose
23 of inducing the licensee or an [, HIS] agent [,] or employee of the
24 licensee to sell, give, serve, or furnish alcoholic beverages contrary
25 to law.

26 (e) A person [WHO HAS ATTAINED THE AGE OF 19 YEARS ACCOMPANYING
27 A PERSON] under the age of 21 [19] who is seeking to enter and remain
28 in a licensed premises under AS 04.16.049(a)(2) ^{or (3)} may not misrepresent the person's
29 age or having obtained the consent of the parent or guardian required by that

1 section [OF THE PERSON UNDER THE AGE OF 19 YEARS].

2 * Sec. 12. AS 04.16.200(b)(2) is amended to read:

3 (2) the sale or offer for sale was made to a person under
4 21 [19] years of age; or

5 * Sec. 13. AS 04.16.200(c) is amended to read:

6 (c) It is an affirmative defense to a prosecution under (a) of
7 this section that no profit was involved in the solicitation or re-
8 ceipt of an order for the delivery of an alcoholic beverage. However,
9 the affirmative defense created under this subsection is not available
10 in a prosecution of a person charged with selling or offering for sale
11 alcoholic beverages to a person under 21 [19] years of age.

12 * Sec. 14. AS 04.21.020(1) is amended to read:

13 (1) the alcoholic beverages are provided to a person under
14 the age of 21 [19] years in violation of AS 04.16.051, unless the
15 licensee, agent, or employee secures in good faith from the person a
16 signed statement, liquor identification card, or driver's license
17 meeting the requirements of AS 04.21.050(a) and 04.21.050(b), that
18 [WHICH] indicates that the person is 21 [19] years of age or older; or

19 * Sec. 15. AS 04.21.050(a) is amended to read:

20 (a) If a licensee [,] or an agent or employee of the licensee
21 questions or has reason to question whether a person entering [A]
22 licensed premises, or ordering, purchasing, attempting to purchase, or
23 otherwise procuring or attempting to procure alcoholic beverages, has
24 attained the age of 21 [19] years or is entering without consent in
25 violation of AS 04.16.049(a)(3) ~~and has not attained the age of 16 years.~~ that licensee, agent, or employee
26 shall require the person to furnish proof of age acceptable under (b)
27 of this section or proof of consent in a form determined by the board.
28 If the person questioned does not furnish proof of age acceptable
29 under (b) of this section, or if a licensee, agent, or employee

1 questions or has reason to question the validity of the proof of age
2 furnished, the licensee, employee, or agent shall require the person ^{or 16}
3 to sign a statement that the person [HE] is over the age of 21 ^{as appropriate} [19]
4 years. This statement shall be made on a form prepared by and fur-
5 nished to the licensee by the board.

6 * Sec. 16. AS 04.21.050(c) is amended to read:

7 (c) A licensee, or an agent or employee of the licensee, may not
8 be charged for a violation of AS 04.16.051 - 04.16.052 if a signed
9 statement as provided in (a) of this section is secured in good faith,
10 or a valid driver's license or identification card is presented indi-
11 cating that the owner and possessor of the presented driver's license
12 or identification card is 21 ^{or 16} [19] years of age or over. ^{as appropriate}

13 * Sec. 17. AS 23.10.355 is amended to read:

14 Sec. 23.10.355. PERSONS UNDER 21 [19]. No person under 21 [19]
15 may be employed or allowed to sell or serve alcoholic beverages or to
16 work [IN ANY ROOM OR OTHER PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD
17 FOR CONSUMPTION] on a licensed [THE] premises, except as provided in
18 AS 04.16.049 ^(c).

19 * Sec. 18. The lieutenant governor shall place before the qualified
20 voters of the state at the next statewide election a question advisory to
21 the legislature as to whether the legislature should maintain the age of
22 majority at 21 years of age or enact laws that would lower the age of
23 majority to 19 years of age for the purpose of regulation of the sale,
24 consumption, possession, furnishing, barter, purchase, gift and delivery of
25 alcoholic beverages. The question shall appear on the ballot in the fol-
26 lowing form:

27 Q U E S T I O N

28 Shall the drinking age be at age 19 or age 21?

29 Leave at age 21 []

Lower to age 19 []

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 21, 1983

SUBJECT: Drinking age
(CSHB 17 (Judiciary) am)

TO: Senator Vic Fischer

FROM:  Russ Josephson
Legislative Counsel

You have asked for a sectional analysis of CSHB 17 (Judiciary) am, which follows.

Please note, as well, that there were some omissions in the floor amendments to CSHB 17 (Judiciary). Primarily, they were phrases and references that appeared in CSHB 17 (Finance) and should have been included when sections of that bill were substituted into CSHB 17 (Judiciary). A copy of CSHB 17 (Judiciary) am with the necessary changes indicated, has been enclosed.

Section 1. Changes the age reference in AS 04.11.090(f), pertaining to bowling alleys, from 19 to 21.

Section 2. Changes the age reference in AS 04.11.110(g), pertaining to access to clubs during times when no alcoholic beverages are sold, from 19 to 21.

Section 3. Changes the age reference in AS 04.11.460(c), pertaining to prior public approval of new or transferred liquor licenses, from 19 to 21.

Section 4. Repeals and reenacts AS 04.16.049(a), pertaining to access of underaged persons to licensed premises. Paragraph (1) of the existing law, allowing access if accompanied by a parent, guardian or spouse, is changed only in the age reference, from 19 to 21.

Paragraph (2) in this bill will allow a person 16 years of age or older to enter a licensed premise designated as a restaurant for purposes of dining only. The present law, by

contrast, specifies no age limiter for the underaged person but requires the underaged person to be accompanied by a person over the age of 19 years and to have the consent of a parent or guardian.

Paragraph (3) provides for access to a restaurant by a person under the age of 16 years, if accompanied by a person over the age of 21 years, if the parent or guardian of the underaged person consents, and if the underaged person enters and remains only for dining. It is similar to existing paragraph (2) except for the specification of the age of 16.

Section 5. Amends AS 04.15.049(b) to clarify that the employee referred to in the provision that allows refusal of entry to underaged persons is the employee of the licensee. Makes the age change as well.

Section 6. Amends AS 04.16.049(c), pertaining to the access of underaged persons to licensed premises, to adjust to the other changes in AS 04.16.049. (The access here is for work not involving serving, mixing, delivering, or dispensing of alcoholic beverages.)

Section 7. Adds a new subsection (d) to AS 04.16.049 to allow a person 19 years of age or older to be employed in a licensed premise and to service, deliver or dispense alcoholic beverages. (Incidentally, both this subsection and subsection (c) ought to include the word "sell", as that word is used specifically in AS 23.10.355, which refers to AS 04.16.049.)

Section 8. Amends AS 04.16.050, pertaining to the possession or consumption of alcoholic beverages by an underaged person, by changing the age reference from age 19 to 21.

Section 9. Amends AS 04.16.051, pertaining to furnishing alcoholic beverages to underaged persons, by changing the age reference from age 19 to 21.

Section 10. Amends AS 04.16.052, pertaining to furnishing alcoholic beverages to underaged persons by licensees. Makes the wording sex neutral and changes the age reference from 19 to 21. Paragraph (4) of this section should have the phrase "except as provided in AS 04.16.049(d)" added at the end (page 4, line 4, following "beverages").

Section 11. Amends AS 04.16.060, pertaining to the purchase of alcoholic beverages by an underaged person, by making the language sex neutral and changing the age reference from 19 to 21. Note that subsection (e), pertaining to misrepresentation of age or consent of a parent or guardian, needs some amendments to make sense and to reflect the provisions of AS 04.16.049 as they appear in this bill. The changes are noted on page 4, lines 28 and 29, of the bill.

Sections 12 and 13. Amend AS 04.16.200, pertaining to unlicensed persons, by changing the age reference from 19 to 21.

Section 14. Amends AS 04.21.020, pertaining to civil liability of persons providing alcoholic beverages to another, by changing the age reference from 19 to 21.

Sections 15 and 16. Amend AS 04.21.050, pertaining to proof of age, by changing the age reference from 19 to 21, by making references to the new provisions in AS 04.16.049 (secs. 4 through 7 of the bill), and by providing for the Alcoholic Beverage Control Board to determine what form the consent required by AS 04.16.049 should take.

Allows the licensee or the agent or employee of the licensee to request not only proof of age, as at present, but to request proof of consent when required by AS 04.16.049. Note that there are two consents required in that section for two different purposes, one in subsection (a)(3) and one in subsection (c).

Please note that some phrases required in this section by the other amendments to this bill were not amended into this bill. These overlooked phrases are noted on the bill at pages 5 and 6 (page 5, line 25; page 6, lines 3 and 4).

Section 17. Amends AS 23.10.355, pertaining to employment of underaged persons to sell or serve alcoholic beverages or to work on a licensed premise. Changes the age reference from 19 to 21 and simplifies the language referring to licensed premises. Please note that the reference on page 6, line 18, ought to be to AS 04.16.049 rather than to AS 04.16.049(c). This reference change was missed when the bill was amended on the House floor but is necessary because subsection (c) is not the only subsection of AS 04.16.049 with a provision relating to AS 23.10.355. As was mentioned above, because of the wording of this section, the wording of AS 04.16.049 ought to be amended to include the word "sell".

Senator Vic Fischer

Page 4

March 21, 1983

Section 18. Calls for an advisory vote at the next state-wide election to indicate a preference for maintaining the drinking age at 21 or for a return to age 19.

RJ:ljb

Enclosure
10/027

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Staff

RE: Digital add-on equipment for cars

DATE: May 4, 1983

Dennis Kelso mentioned digital add-on equipment during the April 9th hearing in Anchorage on drunk driving. With the digital add-on device on a car, a person would have to push a sequence of numbered buttons in a certain amount of time for the car to start. The intent for this device was to make it impossible for persons impaired with alcohol to start their automobile.

The device referred to by Dr. Kelso is called the General Motors Phys Test. It was in an experimental stage twelve years ago, and was shelved because it didn't really measure impairment. Certain people never failed the test no matter what their BAC level.

Systems Technologies of San Diego is currently working with that city on a pilot project called the critical tracking test. The pilot project uses convicted DWI offenders whose licenses were restricted to the use of the cars with the add-on equipment.

This test measures impairment by forcing a person to keep a needle in the middle of a meter for 30 seconds using the steering wheel. If the person fails the test, that person can still start the car but the "alarm" goes off. When the car is driven below 10mph, "the alarm" is constituted by automatic flashing of the emergency lights. If the impaired driver attempts to drive over 10mph, the horn begins to rhythmically honk.

The pilot project is nearly finished. System Technologies is next going to build the device to be marketable. They expect it to be about the same size and price as a car stereo.

Senator Ray

Directions: Please circle the best options

OPTION:	SB 61	CSHB 17 (Jud)am	SB 226	Current Law	Recommendations / Explanations
<u>ENFORCEMENT</u>					
1. Selective enforcement roadblocks	no provision	no provision	no provision	no provision	Anchorage Muni. Prosecutor, Allen Baily, suggested that this program be implemented at the municipal level (see attachment 1). ✓
2. Mandatory breath alcohol content tests for those stopped for moving violations	no provision	no provision	no provision ✓	PBTs are used in the Anch. area	Dennis Kelso, and Larry Ross recommended this as a successful deterrent (see attachment 2).
3. Implied consent	no provision	no provision	no provision	consent for BAC tests is given upon receiving driver's license ✓	
4. back up crews to decrease police officer off-road time.	no provision	no provision	no provision	no provision	increase enforcement efforts (see attachment 3). ✓
5. purchase more accurate Breathalizers	no provision	no provision	no provision	no provision	evidence in court would be more reliable ✓

ADJUDICATION AND SANCTIONING	SB 61	CSHB 17(Jud) am	SB 225	Current law	Recommendations /Explanations
1. Minimum fines for DWI or Breath test refusal	1st conviction \$250min, \$500max. 2nd conviction \$500min, 1000max. 3rd conviction \$1000min, 2500max.	no provision	no provision	no provision	recommended by many as appropriate sanction. was recommended as a deterrent (see attach. #4) ✓
2. Minimum Incarceration for DWI and breath test refusal	1st conviction 72 consec. hrs. 2nd conviction 20 consec. days 3rd or subsequent conviction 30 consec. days min. ✓	no provision	no provision	1st conviction 72 consec. hrs. 2nd conviction w/in 1yr 20dy. w/in 5yr 10dy.	recommended by many as appropriate sanction. --very expensive. success was questioned at at hearings (see attach. #5).
3. Presentence investigation report	no provision	no provision	no provision	no provision ✓	recommended by many as way to increase DWI conviction rate
4. increase penalty for causing death or bodily injury	no provision	no provision	no provision	no provision ✓	recommended in hearings as appropriate retribution
5. make sanctions for driving while license revoked equal to DWI	14 consecutive days, \$500 min. ✓	no provision	no provision	no provision	recommended as a deterrent for drunk driving, and driving in violation of license revocation
6. driver's license suspensions	no provision	no provision	no provision	no provision	recommended as one of the most successful deterrents ✓

ADJUDICATION/ SANCTIONING	SB 61	CSHB17(Jud)am	SB 226	Current Law	Recommendations/ Explanations
7. driver's license revocations	1st conviction Dwl or refusal 90 day minimum 2nd conviction 1 yr license revocation, 3rd or subs. conviction permanent re- vocation ✓	no provision.	no provision	1st conviction Dwl-30 day min, or 60 day limited license /revocation combination 2nd conviction w/in 1 yr license revoc./ no limited lic. 3rd conviction no lim. lic. for 3 years.	recommended as one of the most successful deterrents
8. administrative license revocation	enf. officer shall seize license.(see attach #6). ✓	no provision	no provision	no provision	recommended by Allen Baily as as one of the most successful deterrents.
9. community service.	no provision	no provision	no provision	no provision	cheaper than incarceration/ similar effect.
10. automobile impoundment	car being used when apprehended shall be impounded for 3rd or subsequent conviction.	no provision	no provision	Anchorage Muni. Judges may impound auto used for no less that 30 days upon 2nd conviction, and no less than 60 days for 3rd convict.	constitutional questions have been raised concerning this sanction. MUNICIPAL OPTION ✓
11. automobile forfeiture	car being used when apprehended, may be forfeited ✓	no provision	no provision	no provision	was recommended numerous times during hearings as appropriate sanction

DECREASE ALCOHOL BEVERAGE CONSUMPTION	SB 61	CSHB 17(Jud)am	SB 226	Current Law	Recommendation/Explanation
1. raise the minimum drinking age.	no provision	raises to 21. contains advisory vote provision. Those under 21 may work in estab. serving alcohol.	no provision 2 b	no provision	recommended for general deterrence. May decrease alcohol related accidents by 28%.
2. increase the excise tax on liquor	no provision	no provision	no provision	no provision	a 50¢ increase per 5th is said to decrease alcohol consumption by 5%. B.S.!
3. prohibit open alcohol containers in automobiles	no provision	no provision	no provision	prohibited in Muni. of Anch.	recommended by many as most obvious way to decrease drunk driving ✓
4. decrease bar hours	no provision	no provision	no provision ✓	no provision	would decrease amount of time for persons to consume alcohol
5. distribute alcohol licenses which are similar to driver's licenses.	no provision	no provision	no provision	no provision	allow regulation of problem drinkers and habitual drinkers who drive. ✓
6. increase the price of liquor licenses	no provision	no provision	no provision ✓	no provision	accord. to some, this would decrease the number of alcohol estab.