

ALABAMA LEGISLATIVE COUNCIL FILED 1900 1900 00/2

3270

HJUD

HB 67 - HB 68

18

lance drivers, or even members of the family might be included.

Conventional doctrine has excluded from the hearsay exception, as not within its guarantee of truthfulness, statements to a physician consulted only for the purpose of enabling him to testify. While these statements were not admissible as substantive evidence, the expert was allowed to state the basis of his opinion, including statements of this kind. The distinction thus called for was one most unlikely to be made by juries. The rule accordingly rejects the limitation. This position is consistent with the provision of Rule 703 that the facts on which expert testimony is based need not be admissible in evidence if of a kind ordinarily relied upon by experts in the field.

(5) Recorded Recollection. A hearsay exception for recorded recollection is generally recognized and has been described as having "long been favored by the federal and practically all the state courts that have had occasion to decide the question." *United States v. Kelly*, 349 F.2d 720, 770 (2d Cir. 1965), citing numerous cases and sustaining the exception against a claimed denial of the right of confrontation. Many additional cases are cited in Annot., 82 A.L.R.2d 473, 520. The guarantee of trustworthiness is found in the reliability inherent in a record made while events were still fresh in mind and accurately reflecting them.

The principal controversy attending the exception has centered, not upon the propriety of the exception itself, but upon the question whether a preliminary requirement of impaired memory on the part of the witness should be imposed. The authorities are divided. If regard be had only to the accuracy of the evidence, admittedly impairment of the memory of the witness adds nothing to it and should not be required. Nevertheless, the absence of the requirement, it is believed, would encourage the use of statements carefully prepared for purposes of litigation under the supervision of attorneys, investigators, or claim adjusters. Cf., Reporter's Comment accompanying Rule 801(d)(1)(A). Hence, the example includes a requirement that the witness not have "sufficient recollection to enable him to testify fully and accurately." To the same effect are California Evidence Code § 1237 and New

Jersey Rule 63(1)(b), and this has been the position of the federal courts.

No attempt is made in the exception to spell out the method of establishing the initial knowledge or the contemporaneity and accuracy of the record, leaving them to be dealt with as the circumstances of the particular case might indicate. Multiple person involvement in the process of observing and recording, as in *Rathbun v. Brancatella*, 107 A. 279 (N.J. 1919), is entirely consistent with the exception.

Locating the exception at this place in the scheme of the rules is a matter of choice. There were two other possibilities. The first was to regard the statement as one of the group of prior statements of a testifying witness which are excluded entirely from the category of hearsay by Rule 801(d)(1). That category, however, requires that declarant be "subject to cross-examination," as to which the impaired memory aspect of the exception raises doubts. The other possibility was to include the exception among those covered by Rule 804. Since unavailability is required by that rule and lack of memory is listed as a species of unavailability by the definition of the term in Rule 804(a)(3), that treatment at first impression would seem appropriate. The fact is, however, that the unavailability requirement of the exception is of a limited and peculiar nature. Accordingly, the exception is located at this point rather than in the context of a rule where unavailability is conceived of more broadly.

(6) **Business Records.** This exception continues in effect the business records exception to the hearsay rule previously found in Alaska R. Civ. P. 44(a)(1) and Alaska R. Crim. P. 26(e). While the language is slightly different, the basic thrust of the new rule is identical to the old.

The background of this exception is set forth in the Advisory Committee's Note accompanying Federal Rule 803(6). The element of unusual reliability of business records is said variously to be supplied by systematic checking, by regularity and continuity which produce habits of precision, by actual experience of business in relying upon them, or by a duty to make an accurate record as part of a continuing job or occupation.

Sources of information present no substantial problem with ordinary business records. All participants, including the observer or participant furnishing the information to be recorded, are acting routinely, under a duty of accuracy, with employer reliance on the result, or in short "in the regular course of business." If, however, the supplier of the information does not act in the regular course, an essential link is broken; the assurance of accuracy does not extend to the information itself, and the fact that it may be recorded with scrupulous accuracy is of no avail. An illustration is the police report incorporating information obtained from a bystander: the officer qualifies as acting in the regular course but the informant does not. The leading case, *Johnson v. Lutz*, 170 N.E. 517 (N.Y. 1930), held that a report thus prepared was inadmissible. Most of the authorities have agreed with the decision. Subdivision (6) has been drafted to eliminate the confusion caused by Federal Rule 803(6), which could be read to read to abolish the business duty concept although the legislative history plainly indicates that no such thing was intended.

Entries in form of opinions were not encountered in traditional business records in view of the purely factual nature of the items recorded, but they are now commonly encountered with respect to medical diagnoses, prognoses, and test results, as well as occasionally in other areas. In the state courts, the trend favors admissibility. In order to make clear its adherence to the latter position, the rule specifically includes both diagnoses and opinions, in addition to acts, events, and conditions, as proper subjects of admissible entries.

Problems of the motivation of the informant have been a source of difficulty and disagreement. In *Palmer v. Hoffman*, 318 U.S. 109 87 L.Ed. 645 (1943), exclusion of an accident report made by the since deceased engineer, offered by defendant railroad trustees in a grade crossing collision case, was upheld. The report was not "in the regular course of business," not a record of the systematic conduct of the business as a business, said the Court. The report was prepared for use in litigating, not railroading. While the opinion mentions the motivation of the engineer only obliquely, the emphasis on

records of routine operations is significant only by virtue of impact on motivation to be accurate. Absence of routineness raises lack of motivation to be accurate.

The lower court had concluded that the engineer's statement was "dripping with motivations to misrepresent." *Hoffman v. Palmer*, 129 F.2d 976, 991 (2d Cir. 1942). Other courts also have focused on a motive to misrepresent, although many business records are potentially self-serving. The formulation of specific terms which would assure satisfactory results in all cases is not possible. Consequently the rule proceeds from the base that records made in the course of a regularly conducted activity will be taken as admissible but subject to authority to exclude if "the sources of information or other circumstances indicate lack of trustworthiness." See generally *Patrick v. Sedwick*, 391 P.2d 453, 458-59 (Alaska 1964); *Commercial Union Companies v. Smallwood*, 550 P.2d 1261 (Alaska 1976).

The form which the "record" may assume under the rule is described broadly as a "memorandum, report, record, or data compilation, in any form." The expression "data compilation" is used as broadly descriptive of any means of storing information other than the conventional words and figures in written or documentary form. It includes, but is by no means limited to, electronic computer storage.

(7) **Absence of Records.** Failure of a record to mention a matter which would ordinarily be mentioned is satisfactory evidence of its nonexistence. Uniform Rule 63(14). Comment. While probably not hearsay as defined in Rule 801, supra, decisions may be found which class the evidence not only as hearsay but also as not within any exception. In order to set the question at rest in favor of admissibility, it is specifically treated here. McCormick (2d ed.) § 307; Morgan, *Basic Problems of Evidence* 314 (1962); 5 Wigmore § 1531; Uniform Rule 63(14); California Evidence Code § 1272; Kansas Code of Civil Procedure § 60-460(n); New Jersey Evidence 63(14). This Rule supersedes Alaska R. Civ. P. 44(a)(2) and Alaska R. Crim. P. 26(e); it provides for identical results.

(8) **Public Records and Reports.** "The reliability and trustworthiness of official documents and also the desire to keep

officials from having to testify personally in every instance have generally been established as the policies underlying this hearsay exception." *Webster v. State*, 528 P.2d 1179, 1181 (Alaska 1974). The exception was recognized in Alaska R. Civ. P. 44(b) and Alaska R. Crim. P. 26(e), which are superseded by this rule.

Subdivision (8) follows Maine Rule 803(8), rather than its federal counterpart. The Maine rule is clearer, easier to apply, and avoids some of the confrontation problems presented by the Federal Rule. See generally, *United States v. Smith*, 521 F.2d 957 (D.C. Cir. 1975). It recognizes that government records that are compiled for purposes other than presentation on the government's behalf at trial are generally reliable (part (a)), but that reliability is substantially diminished when the government stands to gain an edge in litigation through the introduction of a record or report it has prepared (parts (b)(ii) & (iii)). Similarly, the rule differentiates factual findings made by the government in the process of carrying out public responsibilities, which are presumed to be reliable, from factual findings resulting from a special investigation of a particular complaint, case or incident, which are not within this exception, since there is no reason to believe that the government would itself rely on its findings outside the litigation context (part (b)(iv)). Finally, investigative reports by police and law enforcement personnel are excluded because they are often unreliable. See *Menard v. Acevedo*, 418 P.2d 766 (Alaska 1966).

While this rule may appear, at first blush anyway, to be at odds with *Webster v. State*, *supra*, that case would be decided the same way under these rules. Presumably the breathalyzer test would be admissible as a business record under Subdivision (6) *Menard v. Acevedo*, *supra*, is in accord with this Subdivision.

More leeway is provided for admission of public reports involving factual findings in civil cases than criminal cases. In this way deference is paid the confrontation clause. But records and reports not involving investigations into particular events and findings of fact are admissible under this Subdivision even in criminal cases.

There is no doubt that Subdivision (8) differs from former Alaska R. Civ. P. 44(b), but the goals of both rules are similar. When Subdivisions (6) and (8) of the rules are read together, it should be apparent that the admissibility of official records is not unduly circumscribed by the rule.

The notice requirement, formally found in Alaska R. Civ. P. 44(b) (2) is carried forward, but the authentication provisions of Alaska R. Civ. P. 44(b) (4) & (5) and the regulation of copies under Alaska R. Civ. P. 44(b) (6) & (c) are eliminated as these subjects are covered by Articles IX and X of these rules.

(9) **Records of Vital Statistics.** Records of vital statistics are commonly the subject of particular statutes making them admissible in evidence, Uniform Vital Statistics Act, 9C U.L.A. 350 (1957). The rule is in principle narrower than Uniform Rule 63(16) which includes reports required of persons performing functions authorized by statute, yet in practical effect the two are substantially the same. Comment, Uniform Rule 63(16). The exception as drafted is in the pattern of California Evidence Code § 1281. It is consistent with the previous exception and may overlap with it in some instances.

(10) **Absence of Public Record or Entry.** The principle of proving nonoccurrence of an event by evidence of the absence of a record which would regularly be made of its occurrence, developed in Subdivision (7) with respect to regularly conducted business activities, is here extended to public records of the kind mentioned in Subdivisions (8) and (9). 5 Wigmore § 1633(6), at 519. Some harmless duplication no doubt exists with Subdivision (7). This continues in effect the policy of former Alaska R. Civ. P. 41(b) (3).

The rule includes situations in which absence of a record may itself be the ultimate focal point of inquiry; e.g., *People v. Love*, 142 N.E. 204 (Ill. 1923) (certificate of Secretary of State admitted to show failure to file documents required by Securities Law); as well as cases where the absence of a record is offered as proof of the nonoccurrence of an event ordinarily recorded.

(11) **Records of Religious Organizations.** Records of ac-

tivities of religious organizations are currently recognized as admissible at least to the extent of the business records exception to the hearsay rule, 5 Wigmore § 1523, at 371, and Subdivision (6) would be applicable. However, both the business record doctrine and Subdivision (6) require that the person furnishing the information be one in the business or activity. The result is such decisions as *Daily v. Grand Lodge*, 142 N.E. 478 (Ill. 1924), holding a church record admissible to prove fact, date, and place of baptism, but not age of child except that he had at least been born at the time. In view of the likelihood that false information would be furnished on occasions of this kind, the rule contains no requirement that the informant be in the course of the activity. See California Evidence Code § 1315 and Comment.

(12) Marriage, Baptismal, and Similar Certificates. The principle of proof by certification is recognized as to public officials in subdivisions (8) and (10), and with respect to authentication in Rule 902. The present exception is a duplication to the extent that it deals with a certificate by a public official, as in the case of a judge who performs a marriage ceremony. The area covered by the rule is, however, substantially larger and extends the certification procedure to clergymen and the like who perform marriages and other ceremonies or administer sacraments. Thus certificates of such matters as baptism or confirmation, as well as marriage, are included. In principle they are as acceptable evidence as certificates of public officers. See § Wigmore § 1645, as to marriage certificates. When the person executing the certificate is not a public official, the self-authenticating character of documents purporting to emanate from public officials (see, Rule 902) is lacking and proof is required that the person was authorized and did make the certificate. The time element, however, may safely be taken as supplied by the certificate, once authority and authenticity are established, particularly in view of the presumption that a document was executed on the date it bears.

For similar rules, some limited to certificates of marriage, with variations in foundation requirements, see, Uniform Rule 63(18); California Evidence Code § 1316; Kansas Code of Civil Procedure § 60-460(p); New Jersey Evidence Rule 63(18).

(13) **Family Records.** Records of family history kept in family bibles have by long tradition been received in evidence. 5 Wigmore §§ 1495, 1496, citing numerous statutes and decisions. Opinions in the area also include inscriptions on tombstones, publicly displayed pedigrees, and engravings on rings. Wigmore, *supra*. The rule is substantially identical in coverage with California Evidence Code § 1312. In approving the Federal Rule counterpart to Alaska Rule 803(13), the House of Representatives' Judiciary Committee approved this rule in the form submitted by the Court, intending that the phrase "Statements of fact concerning personal or family history" be read to include the specific types of such statements enumerated in Rule 803(11). This is a sensible approach to the Subdivision and accurately describes the purpose of the Alaska rule. *See also*, Annot., 39 A.L.R. 372 (1924).

(14) **Records of Documents Affecting an Interest in Property.** The recording of title documents is a purely statutory development. Under any theory of the admissibility of public records, the records would be receivable as evidence of the contents of the recorded document, else the recording process would be reduced to a nullity. When, however, the record is offered for the further purpose of proving execution and delivery, a problem of lack of firsthand knowledge by the recorder, not present as to contents, is presented. This problem is solved, seemingly in all jurisdictions, by qualifying for recording only those documents shown by a specified procedure, either acknowledgement or a form of probate, to have been executed and delivered. 5 Wigmore §§ 1647-1651. *See AS 34.15.260. See also*, AS 34.15.300 and AS 35.25.060. *See generally* Hearsay Under the Proposed Federal Rules: A Discretionary Approach, 15 Wayne L. Rev. 1077, 1172-73 (1968).

(15) **Statements in Documents Affecting an Interest in Property.** Dispositive documents often contain recitals of fact. Thus a deed purporting to have been executed by an attorney in fact may recite the existence of the power of attorney, or a deed may recite that the grantors are all the heirs of the last record owner. Under the rule, these recitals are exempted from the hearsay rule. The circumstances under which dispositive documents are executed and the requirement that the

recital be germane to the purpose of the document are believed to be adequate guarantees of trustworthiness, particularly in view of the nonapplicability of the rule if dealings with the property have been inconsistent with the document. Although there is authority restricting this exception to ancient documents, there is no good reason to so limit it. It should not be surprising, however, to see that in practical application the document will most often be an ancient one. See Uniform Rule 63(29), Comment. The fact that the Alaska Rule and Federal Rule 803(15) are identical removes any question whether the Federal Rule violates the policy of *Erie* recognized in other Federal Rules (e.g., 301, 501, 601). See K. Redden and S. Saltzberg, Federal Rules of Evidence Manual 334 (2d ed. 1977).

Similar provisions are contained in Uniform Rule 63(29); California Evidence Code § 1330; Kansas Code of Civil Procedure § 60-460(aa); New Jersey Evidence Rule 63(29).

(16) Statements in Ancient Documents. Authenticating a document as ancient, essentially in the pattern of the common law, as provided in Rule 901(b)(8), leaves open as a separate question the admissibility of assertive statements contained therein as against a hearsay objection. 7 Wigmore § 2145a. Wigmore further states that the ancient document technique of authentication is universally conceded to apply to all sorts of documents, including letters, records, contracts, maps, and certificates, in addition to title documents, citing numerous decisions. 7 Wigmore § 2145. Since most of these items are significant evidentially only insofar as they are assertive, their admission in evidence must be as a hearsay exception. *But see* 5 Wigmore § 1573, at 429, referring to recitals in ancient deeds as a "limited" hearsay exception. The former position is believed to be the correct one in reason and authority. As pointed out in McCormick (2d ed.) § 323, danger of mistake is minimized by authentication requirements, and age affords assurance that the writing antedates the present controversy. Nebraska followed the usual common law view in defining ancient documents as those in existence more than 30 years. Most other states that have adopted rules based on the federal model agree with the federal provision reducing the number of years to 20. Subdivision (16) also reduces the num-

ber of years on the theory that twenty years should be sufficient to counteract fraud.

For a similar provision, but with the added requirement that "the statement has since generally been acted upon as true by persons having an interest in the matter," see California Evidence Code § 1331.

(17) **Market Reports, Commercial Publications.** Ample authority at common law supported the admission in evidence of items falling in this category. While Wigmore's text is narrowly oriented to lists, etc., prepared for the use of a trade or profession, 5 Wigmore § 1702, authorities are cited which include other kinds of publications, for example, newspaper market reports, telephone directories, and city directories. 6 Wigmore §§ 1702-1706. The basis of trustworthiness is general reliance by the public or by a particular segment of it, and the motivation of the compiler to foster reliance by being accurate.

For similar provisions, see Uniform Rule 63(30); California Evidence Code § 1340; Kansas Code of Civil Procedure § 60-460(bb); New Jersey Evidence Rule 63(30). Uniform Commercial Code § 2-724 provides for admissibility in evidence of "reports in official publications or trade journals or in newspapers or periodicals of general circulation published as the reports of such [established commodity] market." This rule is consistent with AS 45.05.240.

(18) **Learned Treatises.** Commentators have generally favored the admissibility of learned treatises; see McCormick 2d ed.) 321; Morgan, *Basic Problems of Evidence* 366 (1962); 6 Wigmore § 1692. See also Uniform Rule 63(31); Kansas Code of Civil Procedure § 60-460(cc). But the great weight of authority has been that learned treatises are not admissible as substantive evidence though usable in the cross-examination of experts. The foundation of the minority view is that the hearsay objection must be regarded as unimpressive when directed against treatises since a high standard of accuracy is engendered by various factors: the treatise is written primarily and impartially for professionals, subject to scrutiny and exposure for inaccuracy, with the reputation of the writer at stake. 6 Wigmore § 1692. Sound as this po-

sition may be with respect to trustworthiness, there is, nevertheless, an additional difficulty in the likelihood that the treatise will be misunderstood and misapplied without expert assistance and supervision. This difficulty is recognized in the cases demonstrating unwillingness to sustain findings relative to disability on the basis of judicially noticed medical texts. The rule avoids the danger of misunderstanding and misapplication by limiting the use of treatises as substantive evidence to situations in which an expert is on the stand and available to explain and assist in the application of the treatise if desired. The limitation upon receiving the publication itself physically in evidence, contained in the last sentence, is designed to further this policy.

The relevance of the use of treatises on cross-examination is evident. This use of treatises has been the subject of varied views. The most restrictive position is that the witness must have stated expressly on direct his reliance upon the treatise. A slightly more liberal approach still insists upon reliance but allows it to be developed on cross-examination. Further relaxation dispenses with reliance but requires recognition as an authority by the witness, developable on cross-examination. The greatest liberality is found in decisions allowing use of the treatise on cross-examination when its status as an authority is established by any means. Annot., 60 A.L.R.2d 77. The exception is hinged upon this last position, which is that of the United States Supreme Court, *Reilly v. Pinkus*, 338 U.S. 269, 94 L.Ed. 63 (1949), and of recent well considered state court decisions, *City of St. Petersburg v. Ferguson*, 193 So.2d 648 (Fla. App. 1967), cert. denied, 201 So.2d 556 (Fla. 1968); *Darling v. Charleston Memorial Community Hospital*, 211 N.E.2d 253 (Ill. 1965); *Dabroe v. Rhodes Co.*, 392 P.2d 317 (Wash. 1964).

Nebraska did not adopt such a provision in its rules, but other states following the Federal model did.

(19), (20), and (21) Reputation Concerning Personal or Family History—Reputation Concerning Boundaries or General History—Reputation as to Character. Trustworthiness in reputation evidence is found "when the topic is such that the facts are likely to have been inquired about and that persons

having personal knowledge have disclosed facts which have thus been discussed in the community; and thus the community's conclusion, if any has been formed, is likely to be a trustworthy one." 5 Wigmore § 1580, at 444, and *see also*, § 1583. On this common foundation, reputation as to land boundaries, customs, general history, character, and marriage have come to be regarded as admissible. The breadth of the underlying principle suggests the formulation of an equally broad exception, but tradition has in fact been much narrower and more particularized, and this is the pattern of these exceptions in the rule.

Subdivision (19) is concerned with matters of personal and family history. Marriage is universally conceded to be a proper subject of proof by evidence of reputation in the community. 5 Wigmore § 1602. As to such items as legitimacy, relationship, adoption, birth, and death, the decisions are divided. 5 Wigmore § 1605. All seem to be susceptible to being the subject of well founded repute. The "world" in which the reputation may exist may be family, associates, or community. This world has proved capable of expanding with changing times from the single uncomplicated neighborhood, in which all activities take place, to the multiple and unrelated worlds of work, religious affiliation, and social activity, in each of which a reputation may be generated. The family has often served as the point of beginning for allowing community reputation. 5 Wigmore § 1488. For comparable provisions *see*, Uniform Rule 63(26), (27) (c); California Evidence Code §§ 1313, 1314; Kansas Code of Civil Procedure § 60-460(x), (y) (3); New Jersey Evidence Rule 63(26), (27) (c).

The first portion of Subdivision (20) is based upon the general admissibility of evidence of reputation as to land boundaries and land customs, expanded in this country to include private as well as public boundaries. McCormick (2d ed.) § 324. The reputation is required to antedate the controversy, though not to be ancient. The second portion is likewise supported by authority, McCormick (2d ed.) § 324, and is designed to facilitate proof of events when judicial notice is not available. The historical character of the subject matter dispenses with any need that the reputation antedate the con-

troverly with respect to which it is offered. For similar provisions see, Uniform Rule 63(27)(a), (b); California Evidence Code §§ 1320-1322; Kansas Code of Civil Procedure § 60-460(y), (1), (2); New Jersey Evidence Rule 63(27)(a), (b).

Subdivision (21) recognizes the traditional acceptance of reputation evidence as a means of proving human character. McCormick (2d ed.) §§ 44, 186. The exception deals only with the hearsay aspect of this kind of evidence. Limitations upon admissibility based on other grounds will be found in Rules 404, relevancy of character evidence generally, and 608, character of witness. The exception is in effect a reiteration, in the context of hearsay, of Rule 405(a). Similar provisions are contained in Uniform Rule 63(28); California Evidence Code § 1324; Kansas Code of Civil Procedure § 60-460(z); New Jersey Evidence Rule 63(28).

(22) Judgment as to Personal, Family, or General History, or Boundaries. A hearsay exception in this area was originally justified on the ground that verdicts were evidence of reputation. As trial by jury graduated from the category of neighborhood inquests, this theory lost its validity. It was never valid as to chancery decrees. Nevertheless the rule persisted, though the judges and writers shifted ground and began saying that the judgment or decree was as good evidence as reputation. See *City of London v. Clerke*, Carth. 181, 90 Eng. Rep. 710 (K.B. 1691); *Neill v. Duke of Devonshire*, 8 App. Cas. 135 (1882). The shift appears to be correct, since the process of inquiry, sifting, and scrutiny which is relied upon to render reputation reliable is present in perhaps greater measure in the process of litigation. While this might suggest a broader area of application, the affinity to reputation is strong, and subdivision (22) goes no further, not even including character.

(23) Other Exceptions. Whether or not to include a general section like this divided the United States Congress during its consideration of the Federal Rules of Evidence. At first the House Committee on the Judiciary deleted draft rules [803(24) and 804(b)(5)] intended to allow courts flexibility in creating hearsay exceptions to fit particular cases. Such rules were viewed "as injecting too much uncertainty into the law of evi-

dence and impairing the ability of practitioners to prepare for trial." The Senate Committee on the Judiciary believed

that there are certain exceptional circumstances where evidence which is found by a court to have guarantees of trustworthiness equivalent to or exceeding the guarantees reflected by the presently listed exceptions, and to have a high degree of probativeness and necessity could properly be admissible.

The Senate Committee "intended that the residual hearsay exception will be used very rarely, and only in exceptional circumstances." Thus, it modified the rule proposed by the Advisory Committee and approved by the United States Supreme Court to narrow the exception. House and Senate Conferences finally agreed on the Senate's approach but added a provision that a party intending to request the Court to use a statement under this subdivision must notify, sufficiently in advance of trial to allow for a fair contest on the issue of whether the statement should be used, any adverse party of the intent as well as of the particulars of the statement.

Some states that adopted rules based on the federal model rejected any residual exception (e.g., Maine and Nebraska), or modified the Federal Rule (e.g., Nevada and New Mexico). Alaska Rule 803(23) copies the Federal Rule in the belief that the Senate Judiciary Committee was correct in concluding that the specific exceptions provided for in Rule 803, "while they reflect the most typical and well recognized exceptions to the hearsay rule may not encompass every situation in which the reliability and appropriateness of a particular piece of hearsay evidence made clear that it should be heard and considered by the trier of fact." *Cf., Beech Aircraft Corp. v. Harvey*, 558 P.2d 879 (Alaska 1976). The intent of the rule is that it should be used sparingly. It has been cited with favor in *Alaska Airlines, Inc. v. Sweat*, 584 P.2d 544 (Alaska 1978).

Note on Omission—Omitted from this rule is an exception for judgments of previous conviction. See Federal Rule 803(22). Since guilty pleas and statements in connection therewith are admissible under Rule 801(d)(2)(a), unless banned under Rule 410, the only reason to include an exception for judgments of previous conviction is to permit a finding of one

trier of fact to come before another. If a judgment of guilty in a criminal case, which follows proof beyond a reasonable doubt, is to have impact in subsequent cases, the impact should be by way of collateral estoppel, not by admitting the previous judgment. The judgment tells the second trier of fact nothing; that trier will either disregard it or defer to it, neither of which tactic is intended by the Federal Rule. There are strong arguments to the effect that facts once proved beyond a reasonable doubt should be binding in subsequent proceedings, especially subsequent civil proceedings. But such a rule is beyond the scope of rules of evidence. The only argument in favor of the Federal Rule is that it might be unconstitutional to attempt to invoke the doctrine of collateral estoppel against a defendant in subsequent criminal cases and Federal Rule 803(22) is an attempt to use a prior finding in *some* way. But the fact remains that the trier of fact in the second case cannot know how to use the first finding. There is no reason to adopt a rule that can only confuse the trial process. In *Scott v. Robinson*, 583 P.2d 188 (Alaska 1978), the Supreme Court held that a conviction in a criminal case would be conclusive in a subsequent civil case as to the facts necessarily decided in the criminal case under certain circumstances, to wit: the prior conviction was for a serious criminal offense, the defendant had a full and fair hearing, and the issue on which the prior judgment is offered was necessarily decided in the previous trial.

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

February 29, 1984

SUBJECT: Hearsay evidence in prosecutions
for sexual abuse of a minor
(HB 565)

TO: Representative Barbara Lacher

FROM: Keith B. Levy *KBL*
Legislative Counsel

You have requested an analysis of the practical and legal implications of HB 565, relating to hearsay evidence in prosecutions for sexual abuse of a minor. The bill allows the introduction of certain kinds of hearsay evidence in limited sexual abuse prosecutions. Since this evidence would probably not be admissible under the present Rules of Evidence, adopted by the Alaska Supreme Court, the bill has the effect of amending those rules and must be passed by a two-thirds vote. The bill, by allowing hearsay evidence to be admitted in criminal prosecutions, raises the issue of the defendant's right to confront the witnesses against him or her, under the state and federal constitutions.

Analysis of the bill

HB 565 is based on Washington Criminal Code sec. 9A.44.120. I have been informed by the Department of Law that the Washington statute has been challenged a number of times and upheld in the trial courts, but it has yet to be ruled on by the state's highest court. Therefore the Washington law is of little help in determining the validity of HB 565.

In prosecutions for sexual abuse of a minor in any degree, HB 565 allows the prosecutor to introduce "hearsay evidence of a statement made by a child under the age of 10 describing an act of sexual contact with the child" if certain criteria are met (AS 12.45.049). Before the hearsay

Representative Barbara Lacher
Page 3
February 29, 1984

perceive and relate, and the factual basis of their statements. Second, it enables the defendant to demonstrate to the jury the witness' demeanor when confronted by the defendant so that the inherent veracity of the witness is displayed in the crucible of the courtroom. (Footnotes omitted).

Lemon v. State, 514 P.2d 1151, 1153 (Alaska 1973). The Court in Lemon analyzed the United States Supreme Court decisions on the right to confrontation as it relates to the introduction of hearsay evidence and concluded that

...while the demeanor interest of the right of confrontation is not a crucial element, the right to effective cross-examination is essential unless the testimony falls within certain established exceptions to the hearsay rule. (Footnote omitted).

Lemon, supra, at 1154. The Court ruled that Lemon had been denied the right of confrontation because of the admission of a hearsay statement against him that did not fall within the established exceptions to the hearsay rule.

HB 565 does contain certain protections for the defendant, but these may not be enough to survive a constitutional challenge. Since the bill permits the prosecution to use hearsay evidence that does not fall within one of the established exceptions to the hearsay rule against the defendant, the Lemon case seems to prohibit it. Even if the criteria for the admission of the hearsay evidence contained in the bill are met, a court could still find that the defendant has been denied the right to confrontation. Although the question is an open one, there is a strong possibility that the bill could be found unconstitutional if challenged.

KBL:ojb
J4/022

INTENT OF LEGISLATION

HB 565 - "An Act relating to hearsay evidence in prosecutions for sexual abuse of a minor; and amending Rules 803 and 804, Alaska Rules of Evidence."

This legislation will allow hearsay evidence of statements made by children under the age of 10 relating to sexual abuse of that child if:

- 1) The court determines that the circumstances indicate the statement would be reliable, and
- 2) The child either testifies in person or, if the child is unavailable as a witness, there is additional evidence to corroborate the statement.

We have been advised by troopers that they have videotapes of children 2½ or 3 years old where the sexual abuse is articulated clearly. However, they are unable to proceed with the grand jury indictment because these very young children often block out the experience before they are questioned in court. The sworn statement of the professional who interviewed the child, along with the videotapes, would be admissible under this act.

Introduced: 2/1/84
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY LACHER, PHILLIPS AND FLOOD

2

HOUSE BILL NO. 565

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to hearsay evidence in prosecutions
7 for sexual abuse of a minor; and amending Rules 803
8 and 804, Alaska Rules of Evidence."

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

10 * Section 1. AS 12.45 is amended by adding a new section to read:

11 Sec. 12.45.049. HEARSAY EVIDENCE IN PROSECUTIONS FOR SEXUAL
12 ABUSE OF A MINOR. In a prosecution for the crime of sexual abuse of a
13 minor in any degree, hearsay evidence of a statement made by a child
14 under the age of 10 describing an act of sexual contact with the child
15 may be admitted into evidence if

16 (1) the court determines in a hearing outside the presence
17 of the jury that the circumstances of the statement indicate its
18 reliability; and

19 (2) the child

20 (A) testifies at the proceeding; or

21 (B) is unavailable as a witness and there is addi-
22 tional evidence introduced to corroborate the statement.

23 * Sec. 2. AS 12.45.049, added by this Act, has the effect of amending
24 Rules 803 and 804, Alaska Rules of Evidence, by adding hearsay evidence of
25 certain statements made by a certain victim of sexual abuse of a minor to
26 the list of exceptions to the hearsay rule.

~~Current Version~~

Levy
3/23/84.

Original sponsors: Lacher, Phillips,
Flood, et al

2nd CS

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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

IN THE HOUSE

CS FOR HOUSE BILL NO. 565 (HESS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE - SECOND SESSION
A BILL

For an Act entitled: "An Act relating to hearsay evidence in prosecutions
for certain sexual offenses; and amending Rules 803
and 804, Alaska Rules of Evidence."

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

* Section 1. AS 12.45 is amended by adding a new section to read:

Sec. 12.45.049. HEARSAY EVIDENCE IN PROSECUTIONS FOR SEXUAL
ABUSE OF A MINOR. (a) In a prosecution for an offense under AS 11.-
41.410 - 11.41.440 or 11.41.455, hearsay evidence of a statement that
is not otherwise admissible made by a child under the age of 10 who is
the alleged victim of the offense describing the conduct establishing
the offense may be admitted into evidence if

(1) the court determines in a hearing outside the presence
of the jury that the circumstances of the statement indicate its
reliability;

(2) the child

(A) testifies at the proceeding; or

(B) is unavailable as a witness and there is addi-
tional evidence introduced to corroborate the statement; and

(3) the proponent of the statement informs the adverse
party of the intention to offer the statement and the contents of the
statement sufficiently before the proceedings to give the adverse
party a fair opportunity to respond to the statement.

(b) In this section,

(1) "unavailable" means the child

..with levy

To CSHB S65 (HESS)

Line 13, Page 1

after "statement," insert "which is not otherwise admissible"

Line 24, Page 1

substitute "proponent of the statement" for "prosecutor"

Line 24, Page 1

substitute "adverse party" for "defendant"

Line 26, Page 1

substitute "adverse party" for "defendant"

Line 8 and Line 15, Page 2

substitute "proponent of the child's statement" for "prosecutor"

1st Committee Substitute

Levy
3/1/84

Original sponsors: Lacher, Phillips,
Flood, et al

Tisch

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

IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

CS FOR HOUSE BILL NO. 565 (HESS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to hearsay evidence in prosecutions
for certain sexual offenses; and amending Rules 803
and 804, Alaska Rules of Evidence."

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

* Section 1. AS 12.45 is amended by adding a new section to read:

Sec. 12.45.049. HEARSAY EVIDENCE IN PROSECUTIONS FOR SEXUAL
ABUSE OF A MINOR. (a) In a prosecution for an offense under AS 11.-
41.410 - 11.41.440 or 11.41.455, hearsay evidence of a statement made
by a child under the age of 10 who is the alleged victim of the of-
fense describing the conduct establishing the offense may be admitted
into evidence if

(1) the court determines in a hearing outside the presence
of the jury that the circumstances of the statement indicate its
reliability;

(2) the child

(A) testifies at the proceeding; or

(B) is unavailable as a witness and there is addi-
tional evidence introduced to corroborate the statement; and

(3) the prosecutor informs the defendant of the intention
to offer the statement and the contents of the statement sufficiently
before the proceedings to give the defendant a fair opportunity to
respond to the statement.

(b) In this section,

(1) "unavailable" means the child

Levy
3/30/84

Original sponsors: Lacher, Phillips,
Flood, et al

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

IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

CS FOR HOUSE BILL NO. 565 (HESS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to hearsay evidence in prosecutions
for certain sexual offenses; and amending Rules 803
and 804, Alaska Rules of Evidence, and Rule 6(r),
Alaska Rules of Criminal Procedure."

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

* Section 1. AS 12.40 is amended by adding a new section to read:

Sec. 12.40.110. HEARSAY EVIDENCE IN PROSECUTIONS FOR SEXUAL
OFFENSES. (a) In a prosecution for an offense under AS 11.41.410 -
11.41.440 or 11.41.455, hearsay evidence of a statement, not otherwise
admissible, made by a child under the age of 10 who is the victim of
the offense describing the conduct establishing the offense may be
admitted into evidence before the grand jury if

(1) the circumstances of the statement indicate its reliability; and

(2) the child

(A) testifies at the grand jury proceeding; or

(B) is unavailable as a witness and there is additional evidence introduced to corroborate the statement.

(b) In this section,

(1) "statement" means an oral or written assertion or nonverbal conduct if the nonverbal conduct is intended as an assertion;

(2) "unavailable" means the child

(A) has a lack of memory of the subject matter of the

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

party a fair opportunity to respond to the statement.

(b) In this section,

(1) "statement" means an oral or written assertion or nonverbal conduct if the nonverbal conduct is intended as an assertion;

(2) "unavailable" means the child

(A) has a lack of memory of the subject matter of the statement being offered;

(B) is unable to attend or testify at the hearing because of death or then existing physical or mental illness or infirmity;

(C) is declared incompetent to testify by the judge;

or

(D) is absent from the hearing and the proponent of the statement has been unable to procure the child's attendance by reasonable means.

(c) A child is not unavailable under this section if the unavailability is due to the procurement or wrongdoing of the proponent of the statement to prevent the child from attending or testifying.

* Sec. 3. AS 12.40.110, added by sec. 1 of this Act, has the effect of amending Rule 6(r), Alaska Rules of Criminal Procedure, by making certain hearsay evidence admissible in grand jury proceedings for certain sexual offenses without requiring compelling justification.

* Sec. 4. AS 12.45.049, added by sec. 2 of this Act, has the effect of amending Rules 803 and 804, Alaska Rules of Evidence, by allowing admission at trial of hearsay evidence of certain statements made by certain victims of certain sexual offenses.

JANUARY 26, 1987
Page 11

Woman asks abuse victims not be forced to testify

Bill aimed at protecting children from psychological damage in grand jury proceedings

By DEAN FOSDICK
The Associated Press

JUNEAU — Traumatized children who are the victims of sexual abuse should not be made to testify before grand juries although they would be required to undergo cross-examination during trials, a Senate committee was told.

Beth Kerttula, a lawyer and aide to Sen. Jay Kerttula, D-Palmer, told members of the Senate Health, Education and Social Services Committee on Thursday that hearsay evi-

dence from sexually abused children should be allowed in grand jury proceedings.

"It would apply only in cases where the child is traumatized," she testified. "And it's only aimed at grand jury proceedings. It doesn't go any farther than that."

Kerttula told the committee he was proposing several changes in his bill, one of which would drop the age of children allowed to submit hearsay evidence from 16 to 13.

"The younger the child, the more

likely trauma will occur," Kerttula said.

Two similar bills are weaving their way through the legislature. One, introduced by Gov. Bill Sheffield, specifies age 16. Another, by Rep. Randy Phillips, R-Eagle River, specifies age 10.

"The younger the child, the more potential for trauma and the less chance for fabrication," said Gayle Horetal, an assistant attorney general. "On the other hand, you have to balance that off on individual

children. Some are more fragile than others."

While Horetal wouldn't recommend an optimum age, she did say prosecutors "wouldn't want to go under 10 in any circumstances."

Hearsay evidence would not replace the use of videotapes in such cases, she said in response to a question from Sen. Joe Josephson, D-Anchorage.

"Videotaping is preferred," Horetal said. "But in Bush areas, authorities often don't have videotaping

equipment. And ... a child may make a telling statement when videotaping equipment isn't available.

"You don't have a tape around when a kid is talking to a school nurse," she said. "Although it's a good tool, it may not be appropriate to narrow it to that."

"I don't want it (bill) to erode grand jury proceedings," Josephson said. "I'm worried about that."

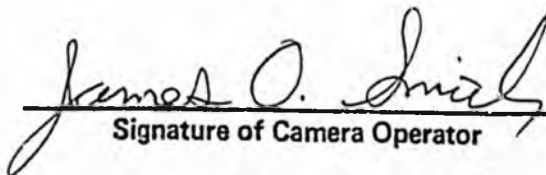
The committee deferred action on the bill Thursday, pending the introduction of Kerttula's amendments.

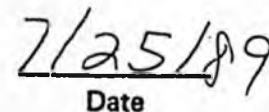


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

H

B

6

8

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

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

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

1/31/86

1:30 pm

COMMITTEE REPORT
HOUSE

2/3

(7)

FURTHER: FINANCE

4/24/85

Date: _____

The Committee on JUDICIARY has had HB 68
"An Act relating to motor vehicle liability insurance."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 68 (2 & C) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature] - no rec

CHAIRMAN

**STATE OF ALASKA 1986 LEGISLATIVE SESSION -
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : CS HB 68 (L&C)
 Title : An Act relating to motor
vehicle liability insurance
 Sponsor : Shultz
 Requestor : House Judiciary
 Date of Request : 1-31-86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Motor Vehicles
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No fiscal impact.

Prepared by : Bill Brown ^{BB} Phone : 465-2650
 Division : Motor Vehicles Date : 1-31-86
 Approved by Commissioner : [Signature] Date : 1/31/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill Resolution No.: CSHB 68
 Title: An Act relating to motor vehicle liability insurance.
 Sponsor: Faiks
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Dept. of Com. & Econ. Dev.
 BRU: Public Protection
 Comments: Division of Insurance

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : Attach a separate page if necessary

Prepared by: John George
 Division: Insurance

Phone: 465 2515
 Date: January 31, 1986

Approved by Commissioner: *John H. Lundberg*
 Agency: Commerce and Economic Development

Date: January 31, 1986

Distribute (by Agency preparing fiscal note):

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 68
 Title: An Act relating to motor vehicle liability insurance
 Sponsor: Shultz
 Requestor: House Labor & Commerce
 Date of Request: 1-29-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life and Property Protection
 BRU, Program or Subprogram(s) Affected: Division of Motor Vehicles
Driver Services & Field Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		301.4	316.5	332.3	348.9	366.3
200 TRAVEL		7.7	8.1	8.5	8.9	9.3
300 CONTRACTUAL		163.8	135.2	142.0	149.1	156.5
400 SUPPLIES		3.9	4.1	4.3	4.5	4.7
500 EQUIPMENT		16.1	-0-	-0-	-0-	2.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	492.9	463.9	487.1	511.4	538.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	492.9	463.9	487.1	511.4	538.8
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	492.9	463.9	487.1	511.4	538.8

POSITIONS:

FULL-TIME	-0-	10	10	10	10	10
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Assumptions: Effective date July 1, 1985
 5% inflation factor used for FY87 and subsequent years.

Breakdown attached.

Prepared By: Charles R. Hosack Phone: 269-5551
 Division: Motor Vehicles Date: 1-24-85

Approved by Commissioner of Public Safety Michael J. Cleary Date: 1-30-85

Distribution (by Agency preparing fiscal note):

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

7/1/84

Summary of AS 36 Activity
June 1, - November 30, 1983

Total enforcement: 200
Resident Hire: 76
Wage related: 124

Total workers assisted: 866
Resident Hire: 319
Wage related: 547

Total dollars recovered: \$535,340.30

The information included in this report was gathered from the audits of 12,040 payrolls for the projects covered. These projects employed an average of 12,361 laborers, mechanics and field surveyors each month.

(The department is approximately 4-6 months behind in their work).

FISCAL NOTE
HB-68

There are approximately 350,000 individuals who are holders of an Alaska driver's license. Each time one of them, or someone applying for an Alaska driver's license for the first time, applies for a driver's license they must show proof of motor vehicle liability insurance under this proposed bill. It is estimated that 10% would change insurance, miss a payment, or cancel their policy each year. Of that 10%, (35,000 drivers), it is estimated 50% would fail to notify DMV of the change. Of the 17,500 drivers who would fail to notify DMV, each would be sent a suspension notice via certified mail as required by law. 17,500 drivers would notify DMV of the insurance change, and their notice must be posted in DMV records and microfilmed.

DMV would also have to start keeping track of licenses returned from another state because these individuals would no longer be holders of an Alaska license, thus DMV should not suspend their driving privileges upon receipt of notice from an insurance company that their insurance was terminated. In 1984 approximately 12,000 Alaska licenses were returned from another state when the ex-resident became licensed in that other state.

DMV would start sending out renewal notices prior to the expiration of a driver's license to remind licensees they must present proof of insurance at the time of application for renewal. Since most addresses will be five years old, it is realized several of these will be returned as undelivered.

100 PERSONAL SERVICES

1 Doc. Proc. Clk. III, Range 10, Juneau	30.9		
1 Doc. Proc. Clk. II, Range 8, Juneau	27.7		
2 Doc. Proc. Clk. I, Range 7, Juneau	52.8		
1 Clk. Typist II, Range 7, Anchorage	16.4		
1 Dr. Impr. Spec. (Hearing Officer) Range 16, Anchorage	43.0		
4 MVR II, Range 9	120.6		301.4

It is felt it would take more than the above to administer the program, however it is also felt as a result of this law there will be a slight increase in the number of insured drivers. Therefore we will not have as many uninsured accidents to process and the personnel which currently handles that program could assist with the paperwork generated by this new law.

200 TRAVEL

To conduct hearings and training of new hearing officer:			
Travel	4.5		
Per Diem	3.2	7.7	7.7

300 CONTRACTUAL			
310 Postage			
17,500 Certified Suspension Letters @ \$1.75	30.6		
1,750 Certified Letters (hearings) @ \$1.75	3.1		
General Correspondence	2.2		
Renewal Notices, 70,000 at \$.22	15.4		
Telephones & Tolls	2.8	54.1	
320 Forms			
Renewal Notices, 72,000 @ \$.	2.0		
Suspension Notices, 20,000 @ \$.335	6.7		
Hearing Notices, etc.	1.8	10.5	
330 Space (800 sq. ft. @ \$24/ft.)	19.2	19.2	
340 Office Equipment	1.5		
360 1 Copy Machine @ \$270/month	3.2		
6 CRT Terminals @ \$206/month ea.	14.8	18.0	
380 Contractual Services - DP Program	35.0*		
Installation of CRTs	.6	35.6	
382a			
DP Line Charges - 6 terminals @ \$2,000/year each	12.0		
DP Data Circuit - 6 terminals @ \$1,500/year each	9.0		
CRT Maintenance - 6 terminals @ \$900/year each	5.4	26.4	163.8
400 COMMODITIES			
480 Normal Office Supplies	2.8		
Microfilm Supplies	1.1	3.9	3.9
500 EQUIPMENT			
4 Desks @ \$576.09	2.3		
2 Desks @ \$468.71	.9		
4 Typewriters @ \$1,369.36	5.5		
8 Chairs @ \$272.21	2.2		
2 CRT Tables @ \$225.00	.5		
4 File Cabinets @ \$308.66	1.2		
1 Storage Cabinet	.2		
6 Acoustical Panels @ \$408.75	2.4		
Recording Equipment	.9	16.1	16.1

* Initial programming change - first year only.

1.	POSITION TITLE Document Processing Clerk I			RANGE/STEP 7B	DARG. UNIT GGU	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	19.032							
6.	Benefits	3,489							
7.	Supplemental Benefits	1,167							
8.	Fixed Benefits	2,732							
9.	TOTAL PERSONAL SERVICES	01	26.4						
10.	Travel	02							
11.	Contractual	03							
12.	Commodities	04	.2						
13.	Equipment	05	.8						
14.	Other								
15.	TOTAL COST		27.4						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		27.4					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY KEY NUMBER _____									

This position will make entries into computer system to reflect when an Alaska driver's license has been returned by another state when the licensee has moved and became licensed in another state.

Will process proof of insurance for the future filings (SR22) when required for three years after a licensee has been suspended under the new law.

Will enter data on computer concerning insurance coverage.

**REQUEST FOR
NEW POSITION**

AGENCY Public Safety
PROGRAM Life and Property Protection
BRU Division of Motor Vehicles
COMPONENT Driver Services

Page of
Revised Date

FY 86

1.	POSITION TITLE Document Processing Clerk I				RANGE/STEP 7B	BARG. UNIT GGU	PAGE/LINE	COY.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE									
	1		2		3					
	PERSONAL SERVICES									
5.	Salary	19,032								
6.	Benefits	3,489								
7.	Supplemental Benefits	1,167								
8.	Fixed Benefits	2,732								
9.	TOTAL PERSONAL SERVICES	01		26.4						
10.	Travel	02								
11.	Contractual	03								
12.	Commodities	04		.2						
13.	Equipment	05		.8						
14.	Other									
15.	TOTAL COST			27.4						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		27.4						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR D&M USE ONLY										
KEY NUMBER _____										

This position will mainly handle computer entry of microfilmed items so it is possible to retrieve documents. New law will generate thousands of additional pieces of paper. Driver Services microfilms documents as a cost saving factor to prevent cost of storage space, files, etc.

Will also assist in preparation of documents for microfilming.

Will process driving while license suspended convictions which were as a result of the new law.

REQUEST FOR
NEW POSITION

AGENCY Public Safety

PROGRAM Life and Property Protection

BRU Division of Motor Vehicles

COMPONENT Driver Services

FY 86

Page _____ of _____
Revised Date _____

1.	POSITION TITLE Document Processing Clerk II				RANGE/STEP 8B	BARG. UNIT GGU	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		20,136							
6.	Benefits		3,636							
7.	Supplemental Benefits		1,234							
8.	Fixed Benefits		2,732							
9.	TOTAL PERSONAL SERVICES		01		27.7					
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04		.2					
13.	Equipment		05		2.6					
14.	Other									
15.	TOTAL COST				30.5					
16.	RECEIPT CODE	FUNDING SOURCE								
17.		Federal Receipts 1002								
18.		G.F. Match 1003								
19.		General Funds 1004		30.5						
20.		I-A Receipts 1005								
21.		Program Receipts 1028								
		Other								
FOR B&H USE ONLY KEY NUMBER _____										

This position will handle and file change of insurance forms received from persons who change insurance carriers. Also notifications from the insurance companies that a policy has been cancelled or terminated. When notice from insurance company is received, will check file to determine whether or not the licensee has filed a change of insurance form. If not, refer to suspension desk.

Will prepare certified copies of suspension notices and supporting documents for use by prosecutors, courts, law enforcement officers, etc.

REQUEST FOR
NEW POSITION

AGENCY Public Safety

PROGRAM Life and Property Protection

BRU Division of Motor Vehicles

COMPONENT Driver Services

Page of

Revised Date

FY 86

1.	POSITION TITLE Document Processing Clerk III				RANGE/STEP 10B	BARG. UNIT GGU	PAGE/LINE	COV.	APPROV.	DISAPP.		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.				
3.	CONTINUATION LEVEL				JUSTIFICATION							
4.	TYPE OF EXPENDITURE				<p>This position will handle correspondence concerning oral and written answers or statements from the licensee following notification of suspension.</p> <p>When necessary, will generate suspension notices to licensees for whom insurance cancellation or termination notices have been received, and the licensee did not file the necessary change of insurance. Will enter these license actions onto computer system. This requires extreme accuracy to prevent incorrect status or incorrect record. Otherwise, an innocent citizen may go to jail.</p>							
	1		2								3	
	PERSONAL SERVICES											
5.	Salary		22,716									
6.	Benefits		4,102									
7.	Supplemental Benefits		1,392									
8.	Fixed Benefits		2,732									
9.	TOTAL PERSONAL SERVICES		01								30.9	
10.	Travel		02									
11.	Contractual		03									
12.	Commodities		04								.2	
13.	Equipment		05								2.2	
14.	Other											
15.	TOTAL COST										33.3	
16.	RECEIPT CODE	FUNDING SOURCE										
17.		Federal Receipts 1002										
18.		G.F. Match 1003										
19.		General Funds 1004		33.3								
20.		I-A Receipts 1005										
21.		Program Receipts 1028										
		Other										
FOR B&M USE ONLY KEY NUMBER _____												

REQUEST FOR
NEW POSITION

AGENCY Public Safety
PROGRAM Life and Property Protection
BRU Division of Motor Vehicles
COMPONENT Driver Services

Page _____ of _____
Revised Date _____

FY 86

1.	POSITION TITLE Driver Improvement Specialist			RANGE/STEP 16A	BARG. UNIT GGU	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRJ PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	32,424							
6.	Benefits	5,855							
7.	Supplemental Benefits	1,988							
8.	Fixed Benefits	2,732							
9.	TOTAL PERSONAL SERVICES	01	43.0						
10.	Travel	02	7.7						
11.	Contractual	03							
12.	Commodities	04	.3						
13.	Equipment	05	1.6						
14.	Other								
15.	TOTAL COST		52.6						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		52.6					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR D&M USE ONLY									
KEY NUMBER _____									

This position will be responsible to hold hearings under the driver license administrative suspension program. Each time a driver's license is suspended for cancellation or termination of insurance the individual has the right to ask for a hearing, per AS 28.05.131-141. In addition to holding hearings, would have to prepare for each hearing and maintain appropriate records of each hearing.

Travel for FY86 is based on trips to the Kenai Peninsula, Palmer, Kodiak and to Southeast, all from Anchorage.

REQUEST FOR
NEW POSITION

AGENCY Public Safety
PROGRAM Life and Property Protection
BRJ Division of Motor Vehicles
COMPONENT Driver Services

Page _____ of _____
Revised Date _____

FY 86

1.	POSITION TITLE Clerk Typist II				RANGE/STEP 7B	BARG. UNIT GGU	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCH NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE									
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		19,032							
6.	Benefits		3,489							
7.	Supplemental Benefits		1,167							
8.	Fixed Benefits		2,732							
9.	TOTAL PERSONAL SERVICES		01		26.4					
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04		.2					
13.	Equipment		05		2.6					
14.	Other									
15.	TOTAL COST				29.2					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR BUI USE ONLY KEY NUMBER _____										

This position would handle necessary paperwork for scheduling hearings, notifying individuals of hearing date, time and location, and keep appropriate records. Would handle most inquiries concerning hearings, and refer technical items to supervisor or hearing officer.

Would prepare documents required by the court whenever an appeal is filed. This includes "notice of parties", "affidavits", "notice of filing of record", etc.

Would transcribe hearing records as requested and prepare certified copies of those records for courts, prosecutors, private attorneys, etc., when necessary.

**REQUEST FOR
NEW POSITION**

AGENCY Public Safety

PROGRAM Life and Property Protection

BRU Division of Motor Vehicles

COMPONENT Driver Services

FY 86

Page _____ of _____
Revised Date _____

1.	POSITION TITLE Motor Vehicle Rep. II			RANGE/STEP 9B	DARG. UNIT GGU	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES								
5.	Salary	24,120							
6.	Benefits	4,356							
7.	Supplemental Benefits	1,479							
8.	Fixed Benefits	2,732							
9.	TOTAL PERSONAL SERVICES	01		32.7					
10.	Travel	02							
11.	Contractual	03		7.0					
12.	Commodities	04		.1					
13.	Equipment	05		.2					
14.	Other								
15.	TOTAL COST			40.0					
16.	RECEIPT CODE	FUNDING SOURCE							
17.		Federal Receipts 1002							
18.		G.F. Match 1003							
19.		General Funds 1004		40.0					
20.		I-A Receipts 1005							
21.		Program Receipts 1028							
22.		Other							
FOR H&IT USE ONLY KEY NUMBER _____									

Work public counter to issue licenses. Determine eligibility of applicants by reviewing documents presented, administering written and vision tests, etc. If applicant is eligible enter necessary data on computer terminal, and issue license.

If applicant not eligible do not issue license and explain what is necessary before license can be issued.

Assist public by answering questions concerning licensing and records.

**REQUEST FOR
NEW POSITION**

AGENCY Public Safety
 PROGRAM Life and Property Protection
 BRU Division of Motor Vehicles
 COMPONENT Field Services

Page _____ of _____
 Revised Date _____

FY 86

1.	POSITION TITLE Motor Vehicle Rep. II			RANGE/STEP 9B	BARG. UNIT GGU	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCM NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES								
5.	Salary	21.420							
6.	Benefits	3.868							
7.	Supplemental Benefits	1.313							
8.	Fixed Benefits	2.732							
9.	TOTAL PERSONAL SERVICES	01		29.3					
10.	Travel	02							
11.	Contractual	03		7.0					
12.	Commodities	04		.1					
13.	Equipment	05		.2					
14.	Other								
15.	TOTAL COST			36.6					
	RECEIPT CODE			FUNDING SOURCE					
16.				Federal Receipts 1002					
17.				G.F. Match 1003					
18.				General Funds 1004 36.6					
19.				I-A Receipts 1005					
20.				Program Receipts 1028					
21.				Other					
FOR B&I USE ONLY KEY NUMBER _____									

Work public counter to issue licenses. Determine eligibility of applicants by reviewing documents presented, administering written and vision tests, etc. If applicant is eligible enter necessary data on computer terminal, and issue license.

If applicant not eligible do not issue license and explain what is necessary before license can be issued.

Assist public by answering questions concerning licensing and records.

**REQUEST FOR
NEW POSITION**

AGENCY Public Safety

PROGRAM Life and Property Protection

BRU Division of Motor Vehicles

COMPONENT Field Services

Page _____ of _____

Revised Date _____

FY 86

1.	POSITION TITLE Motor Vehicle Rep. II				RANGE/STEP 9B	BARC. UNIT GGU	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>Work public counter to issue licenses. Determine eligibility of applicants by reviewing documents presented, administering written and vision tests, etc. If applicant is eligible enter necessary data on computer terminal, and issue license.</p> <p>If applicant not eligible do not issue license and explain what is necessary before license can be issued.</p> <p>Assist public by answering questions concerning licensing and records.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	21,420								
6.	Benefits	3,868								
7.	Supplemental Benefits	1,313								
8.	Fixed Benefits	2,732								
9.	TOTAL PERSONAL SERVICES	01	29.3							
10.	Travel	02								
11.	Contractual	03	7.0							
12.	Commodities	04	.1							
13.	Equipment	05	.2							
14.	Other									
15.	TOTAL COST		36.6							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		36.6						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR BSM USE ONLY										
KEY NUMBER _____										

**REQUEST FOR
NEW POSITION**

AGENCY Public Safety

PROGRAM Life and Property Protection

BRU Division of Motor Vehicles

COMPONENT Field Services

Page _____ of _____

Revised Date _____

FY 86

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 68
Title: _____

FISCAL DETAIL

Agency Affected: _____
Program Category Affected: Insurance

Sponsor: Shultz
Requestor: _____
Date of Request: _____

BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: Attach a separate page if necessary

Prepared By: Donald P. Koch, Chief of Market Surv Phone: 465-2515
Division: Insurance Date: 1-22-84

Approved by Commissioner: Loren H. Lounsbury Date: _____
Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

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

7/1/84

ANALYSIS OF CS for HB 68

- Sec. 1. As 28.20.450 is amended to read NOTICE OF CANCELTION OR TERMINATION OF CERTIFIED POLICY. When one insurance carrier certifies a motor vehicle liability policy under AS 28.20.410; 28.20.420 or AS 28.22.200 the insurance may not be cancelled or terminated until 10 days after notification has been filed with Department except a policy which meets requirements of AS. 28.22 or this chapter should terminate the insurance preveiously certified for a vehicles certified in both certificates.
- Sec. 2. AS 28.22.010 MOTOR VEHICLE LIABILITY POLICY
- (a) owners policy must designate by description the vehicle it insures and insure the owner named in the policy
 - (b) Protects owner from liability even tho some one else is driving vehicle.
 - (c) Personal liability policy must insure person named as insured against loss from liability.
 - (d) Policy must provide coverage in United States and Canada subject to limits:
 - (1) \$50,000 bodily injury one person or \$100,000 for 2 or more.
 - (2) \$25,000 property damage
 - (e) Provides coverage under AS 28.22.1.00 and 28.22.130.
 - (f) Policy must state name and address of insured.
- Sec. 3. AS 28.22.100 (b) is amended
- (b) If both owner and operator of a vehicle are unknown payment under uninsured or underinsured motorists coverage may be made only when direct contact between motor vehicles has occurred. A person and a vehicle reported to have left the scene of the accident with another vehicle are presumed to be uninsured if the insured person reports to the authorities within 24 hours.
- Sec. 4. AS 28.22.100 (c) is amended to limit to damage to or distruction of covered vehicle only. Does not include loss of use of such vehicle

Sec. 9. AS 28.22.240 (a) is amended to read:

- (a) If the holder of an Alaska drivers license fails to provide liability insurance the department shall suspend the driver's license of that person for the following periods
- (1) not less than 90 days if within the last 10 years the person has not had a violation of AS 28.22.200;
 - (2) Not less than 1 year if person has had a suspension in the last 10 years.

Sec. 10. AS 28.22.240 is amended by adding a new subsection to read

- (h) Upon notification by an insurance carrier the liability of a licensed driver has been cancelled, the department shall suspend the persons license subject to the provisions of (f) and (g) of this section. The suspension remains in effect until a drivers license is obtained. Provisions under AS 28.15.211 do not apply to license suspension under this subsection.

Sec. 11. AS 28.22.60 is repealed and re-enacted to read:

Definition of "motor vehicle liability policy" means an owners policy, operators policy or a personal policy that

- (1) meets requirements under AS 28.22.010
- (2) issued by insurance carrier authorized to transact business in Alaska

M E M O R A N D U M

TO: All Members, House Labor and Commerce Committee

FROM: Roger Poppe, Committee Staff

DATE: March 28, 1985

SUBJECT: Overview, HB 68

On Thursday, March 28, 1985, the House Labor and Commerce Committee met at 1:15 pm in Room 102 Capitol on HB 68 by Rep. Shultz, relating to mandatory insurance for automobiles.

Last year, the 13th Legislature passed CSSHB 7, the mandatory auto insurance bill, into law. This bill became effective on January 1, 1985 as Chapter 70 SLA 1984. While this bill had the best of intentions, there have been some unanticipated and undesirable side-effects of the legislation which are only just now coming to light.

This bill is an attempt to rectify one problem area. It appears that there are numerous drivers in Alaska who drive a large number of vehicles part-time, and it would be prohibitively expensive for them to ensure all of their automobiles. Thus, this legislation is an attempt to provide an alternative for such drivers so that instead of ensuring many vehicles, they can have an option of ensuring themselves as drivers instead of their vehicles.

What is proposed is a radical new approach to the insurance industry. Preliminary research by the sponsor indicates there is no other state in the union to date that provides to driver's liability insurance based solely on the driver instead of the vehicle. The concept has been proposed in Canada, but has so far not been passed into law.

Insurance companies at present are resistant to the idea, because it is such a radical departure from their current approach, and there is not any data available to indicate how much of an impact. The Department of Public Safety opposed the original bill (their objections are covered in the Jan. 28 Position Paper, (#5 in your file), but are more supportive of the proposed SS. Other problems are covered in the House Research Analysis (# 6 in your file).

A second problem area that has come to light is the issue of drivers in the trucking industry who currently use the same license to drive both professionally and personally. Because of the competitive pressures of the trucking industry, they often get speeding and overweight tickets, but their personal vehicle driving may be free of violations. Yet, they still have to pay the maximum insurance premiums for their private vehicle use because of their professional driving record. It may be possible to address this problem in this bill; or, it appears that Senator Coghill is working on this problem in Senate Transportation Committee, with the possibility of expanding the chauffeur's license requirements from bus drivers to include truckers. This might be included as an amendment to either SB 103 or its companion HB 133; regulating safety of motor/air carriers.

To: Mike

From: Roger

March 28, 1985

HB 68: I got the distinct impression that Rep. Shultz is relatively soft on the actual language of the bill, and would be quite amenable to any changes or amendments to it. He sees that there is a problem area, and is trying to correct it, but the wording of his original bill and even his draft has caused some problems with both the Dept. of Public Safety and with the insurance industry. I understand Bill Brown of Public Safety will be here to testify before he has to leave at 1:30. They have backed off from their original opposition to HB 68 and seem to be supportive of the proposed SS for HB 68.

I understand that someone from the Division of Insurance, Dept. of Commerce will also be here on the bill, and they will probably be opposed to it.

There is a fair amount of public interest and support for the bill, judging from the petitions and POMS in your file.

I have heard various problems have been created by the passage of the mandatory insurance act that no one anticipated when it passed. This bill might be the ideal vehicle to take care of some of those problems. One of the problems, dealing with truckers, I have covered in my memo to the Committee, and it may be taken care of by Senator Coghill in another bill as an amendment. I think Shultz has just thrown this into the committee hopper to see what additional input it could generate.

You may want to appoint a subcommittee to study the issue further. I don't think Shultz is necessarily keen to get it through the Committee this year, and would be amenable to letting the committee take its time and doing it right, if you and they feel they can support it.

INTRODUCTION OF BILLS (House), (cont'd)

HB 67, (cont'd)

introduced to corroborate the statement. In trial proceedings the party arguing in favor of offering the statement must inform the other side of the intention to offer it and the statement's contents sufficiently before the trial to give the other side a fair opportunity to respond.

Note: amendments are made to AS 12.40 (Code of Criminal Procedure. Grand Jury) and AS 12.45 (Trial). The changes to the statutes would have the effect of amending Rule 6(r), Alaska Rules of Criminal Procedure and Rules 803 and 804, Alaska Rules of Evidence. Does not provide for an effective date (takes effect 90 days after Governor signs bill). See Senate Bill 3, page 1, similar.

Introduced January 16 and referred to Health, Education & Social Services, Judiciary, then Finance.

HOUSE BILL NO. 68, by Rep. Shultz Tightens up state mandatory motor vehicle insurance laws. Currently drivers are required to have motor vehicle liability insurance, but only have to show proof when involved in an accident or when charged with a traffic law violation with a demerit point value of six or more on the point schedule. Under Rep. Shultz's bill the Alaska driver would be required to have in effect, at all times, motor vehicle liability insurance, with no exemptions allowed. The driver would have to show proof of liability insurance when applying for or renewing a driver's license. Current law exempts vehicles that are driven on roads not connected to state highways or connected to a highway with average daily traffic volume greater than 499. Drivers who have been cited within the preceding five years for traffic law violations with demerit point values of six or more are also required to prove they have liability insurance.

Drivers would have to carry liability insurance that would cover any vehicle, rather than insurance that designates each vehicle covered and each driver covered. Underinsured and uninsured coverage would also be mandatory, and payment under that coverage could be made only where direct contact between the motor vehicles has occurred. The holder of an Alaska driver's license who changes insurance carriers would be required to present the new coverage to the Dept. of Public Safety, and upon notice that an insurance policy has been terminated or cancelled the Department shall suspend the license with a 30-day notice.

Repeals AS 28.22.010(b), Motor Vehicle Liability Policy. Subsection (b) states: "The operator's policy ... shall insure the person named as insured against loss from the liability imposed on the operator by law for damages arising out of the use by the operator of a motor vehicle not owned by the operator, within the same territorial limits and subject to the same limits of liability as are required for an owner's policy of liability insurance."

Repeals AS 28.22.050(b), Requirements of Policy. Subsection (b) states that the insurance policy is not in effect in Alaska unless the insurance company or surety company is authorized to do

INTRODUCTION OF BILLS (House), (cont'd)

HB 68, (cont'd)

business in Alaska, or if it is not authorized to do business, it executes a power of attorney authorizing the Director of the Division of Insurance to accept service on its behalf.

Does not provide an effective date (takes effect 90 days after Governor signs bill).

Introduced January 16 and referred to Labor & Commerce, Judiciary, then Finance.

Teachers'
Retirement
System
(contributions
& retirement)

HOUSE BILL NO. 69, by Rep. Shultz. Raises amount to be contributed to the Teachers' Retirement System from seven to nine percent. A member would be eligible for a normal retirement with 20 years of credited service, at least 15 of which have been membership service (currently the member must have 20 years of membership service).

Changes formula for figuring the monthly amount of the retirement benefit. Members with less than 10 years credited service get two percent of their average base salary times the years of credited service, including credited fractional years, divided by 12. Monthly amount of benefit for members with between 10 and 20 years credited service is two and a quarter percent (does not mention fractional years), and for members with at least 20 years is two and a half percent. The current method for figuring the monthly benefit is 2% of the average base salary during any three school years of membership service times the years of credited service, including credited fractional years divided by 12, with actuarial adjustments made for early retirement. Actuarial adjustments are made for early retirement and an indebtedness that exists at the time of retirement shall be discharged as set out in statute. Provides Act takes effect July 1, 1985.

Introduced January 16 and referred to State Affairs, then Finance.

Personal &
Annual Leave
(donations)

HOUSE BILL NO. 70, by the Rules Committee by Request of the Governor. Allows state employees to donate sick leave to another person (see accompanying letter). Takes effect immediately.

Introduced January 16 and referred to State Affairs, then Finance. On January 18 the Finance referral was waived at the request of Rep. Adams.

In his letter accompanying the bill Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the donation of personal or annual leave by state officers and employees.

Section 1 of the bill amends AS 19.20.245(b), concerning the donation of personal or annual leave by one state worker for use as sick leave by another. Currently, the law speaks only to legislative employees. The amendment would allow the same charitable act to be accomplished by executive and judicial branch non-covered workers. State employees covered by a collective bargaining agreement are

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB-68

Opposed

January 28, 1985

HB-68, an Act relating to motor vehicle liability insurance.

The mandatory insurance bill which passed the 1984 Legislature has not even been in effect a month yet. The new law should be given some time to determine its effectiveness before making such drastic changes as outlined in this bill.


Sections 7, 8, 9, and 10 of the bill exempt several categories of drivers who probably shouldn't be exempt. This includes individuals whose driving privileges are revoked, suspended or cancelled; individuals who have never applied for a license; seasonal workers driving with an out-of-state license; military personnel who are licensed in another state; etc.

Section 7 eliminates exempt areas currently defined in present law. The Division of Motor Vehicles does not oppose eliminating these exempt areas, however we do want to point out this change.

This bill eliminates self-insurance as an alternative. These are basically filed only by large corporations and governmental agencies. It is realized that if the complete emphasis is shifted to "operator" insurance coverage, self-insurance could no longer be a viable alternative. This shift also eliminates the possibility for an individual to not own or drive a personal vehicle but drive employer vehicles only without having to purchase his or her own insurance. This shift also requires the operator or employee to purchase the expensive insurance to cover special risks rather than the owner or employer.

Section 8 requires proof of insurance at the time an individual applies for a driver's license. It appears this would include an original, duplicate or renewal. This would slow down the licensing process and create even longer lines at some of the busier locations. In 1984, approximately 175,000 driver's licenses were issued in Alaska.

The amendments in Sections 1, 9, and 11 would be quite costly to administer. DMV would be required to keep records concerning insurance on each driver. A requirement of notification is placed on insurance companies and the cost of administering this requirement is going to be passed on to the public by increasing premiums. It greatly increases the division's administrative costs since the division must take some clerical action on any termination of insurance policy. These actions will be in addition to the responsibilities imposed under the current law.


ROBERT J. SUNDBERG
Commissioner

BACKGROUND FOR
SS HOUSE BILL 68

THE PURPOSE OF THIS BILL IS TO PROVIDE AN ALTERNATIVE TO THE PRESENT METHOD OF PURCHASING MANDATORY LIABILITY INSURANCE. IT IS DESIGNED FOR THE DRIVER WHO OWNS NUMEROUS VEHICLES BUT ONLY DRIVES THEM A PART OF THE YEAR. WE FEEL IT IS THE DRIVER WHO NEEDS THE LIABILITY INSURANCE AND NOT THE VEHICLE. THERE ARE INSURANCE COMPANIES TODAY WHO WRITE LIABILITY INSURANCE POLICIES FOR PERSONS WHO OPERATE BUT DON'T OWN A VEHICLE. THE BILL HAS A LARGE GROUP OF SUPPORTERS WHO ARE IN THE CATEGORY OF OWNING A LOT OF VEHICLES BUT ONLY DRIVE THEM FOR SHORT PERIODS DURING THE YEAR. THIS BILL IS MEANT TO BE A VIABLE ALTERNATIVE ONLY FOR OBTAINING LIABILITY INSURANCE AND IS NOT MEANT TO REPLACE ANY OTHER INSURANCE PROGRAM PRESENTLY IN EFFECT.

ANALYSIS OF

SS HOUSE BILL 68

AS 28.22.010 is amended by adding subsection (d)

- (d) provides for liability insurance coverage without owning a vehicle to the effect he is covered within the same territorial limits and subject to the same limits of liability as are required for an owners policy of liability insurance.

Section 2. AS 28.22.200 is amended to

- (a) provide for insurance for an operator under a motor vehicle liability policy that complies with this chapter or a certificate of self insurance that complies with AS 28.20.400--unless
 - (1) vehicle is being moved on a highway not connected by a land highway
 - A. the land-connected State Highway system or
 - B. a highway or vehicular way with an average daily volume greater than 499; and
 - (2) the operator has not been cited with the preceding 5 years for a traffic violation and assessed demerits in the amount of 6 points or more.

Section 3 AS 28.22.210 is amended to read

a person shall be required to be insured under a motor vehicle liability policy that complies with this chapter or a certificate of self insurance that complies with AS28.20.400 shall show proof of liability when

- (1) involved in an accident resulting in bodily injury to or death

2.

of a person or damage to the property in excess of \$500.00

(2) charged with a violation involving in a loss of 6 or more points
to drivers license.

Sec. 28.22.600 provides a definition of motor vehicle liability policy.

Alaska State Legislature

COMMITTEES

Co-Chairman — House Resources
Committee
Member — House Transportation
Committee



House of Representatives

Write in Session:

Pouch V
State Capital
Juneau, Alaska 99811
Phone (907) 465-4951
465-4940

Home - SR 790
Tok, Alaska 99780

Dick Shultz

February 27, 1985

Robert Sundberg, Commissioner
Department of Public Safety
Pouch N
Juneau, Alaska 99811

Dear Commissioner Sundberg:

Enclosed for your review and comment is a Committee Substitute for House Bill 68 "An Act relating to motor vehicle liability insurance."

The original bill did not address my concern that each automobile owned and operated by an Alaskan be covered by liability insurance. My intention is to provide an alternative to the present method of purchasing mandatory liability insurance.

My contention, is that a person owning 1 or more vehicles would not have to insure each vehicle separately. It is not meant to replace any other insurance program presently in effect.

Thanking you in advance for your time.

Sincerely,

A handwritten signature in cursive script that reads "Dick".

Representative Dick Shultz

DS/spp

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

POUCH D
JUNEAU, ALASKA 99811
PHONE: 465-2515

DIVISION OF INSURANCE

BULLETIN 84-4

TO: ALL INSURERS WRITING AUTOMOBILE INSURANCE IN ALASKA
RE: CHANGES IN THE LAW AFFECTING AUTOMOBILE INSURANCE

INTRODUCTION

On August 22, 1984, this division released Bulletin 84-3 which discussed changes in Alaska law due to the 1984 session of the Alaska Legislature. In that discussion was a brief comment about the effect of Chapter 62 SLA 1984 (CSSHB 16 Fin.) relating to premium increases which became effective on August 27, 1984, and Chapter 70 SLA 1984 (CSSHB 7), the mandatory auto insurance law which becomes effective on January 1, 1985. Questions and inquiries concerning these laws suggest the need for more of a statement than that already released.

INCREASED LIMITS

The new law requires minimum limits of \$50,000 for bodily injury to or death of one person in any one accident, and subject to the same limit for one person, and \$100,000 for bodily injury to or death of two or more persons in any one accident. It also requires \$25,000 because of injury to or destruction of property of others in any one accident.

An insurer must provide these or greater limits on all policies it has in force in this State as of January 1, 1985, as well as any renewals or new business occurring on or after that date.

Most insurers have increased limit charges filed for the new limits. Since the cost of endorsing individual policies will, in a number of cases, be greater than the additional premium due because of the change, the division will consider a waiver of that additional premium to be within activity permitted by the insurers filing and not a rebate. Insurers may charge the additional premium for the change in accordance with its rate filings. Insurers that do not have rate factors for the higher limits filed should remedy that situation promptly.

UNINSURED/UNDERINSURED MOTORISTS' COVERAGE

One area of substantial question has been the new uninsured/underinsured motorists' coverage. Each insurer, as of January 1, 1985,

must offer a coverage that is comprised of uninsured and underinsured motorists' bodily injury at limits equal to those purchased by the insured for bodily injury liability, and uninsured and underinsured motorists' property damage at a limit of \$25,000.

The coverage must be offered in parts, so that if the insured does not want a portion of the coverage, such as the property damage feature, the insured can waive it. He may wish to buy only basic limits, in which case that is the part of the offer he can accept. If the insured rejects a part or all of the coverage at basic limits, he must do so in writing. Additions of this coverage should be made on a negative response basis, i.e., add the basic limits and allow the insured to reject in writing. The insurer should not actively seek rejection of the coverage. The offer of the limits above basic limits bodily injury may be made on a negative response basis at the insurer's option.

To date, very few filings have been made to reflect the new requirements. Without a filing, insurers will be held to the minimum coverage without premium. Insurers should file rates for these changes as soon as possible.

CANCELLATION

Insurers are reminded that the limited cancellation law is still in effect and has not been changed. The increase of coverage up to the new basic limits may not be considered a basis for cancelling coverage mid term. All rules dealing with nonrenewal remain unchanged. Alaska law permits cancellation of automobile insurance only for a suspended license or nonpayment of premium.

Refusal by an insured to pay additional premium for the level of coverage required by the new law is grounds for cancellation of the policy for nonpayment of premium.

PREMIUM INCREASES

A further complication is the law dealing with premium increases to automobile insurance policies and its requirement to provide a 15 day notice prior to any increase in premium, with an explanation for the increase, and the insureds right of appeal under AS 21.39.090.

This law was principally aimed at the change in premium brought about because of a surcharge or increased premium resulting from a chargeable accident or violation. Apparently, insureds are still being charged improperly for accidents in which they were not at fault or for violations for which they were not convicted. The new law is intended to deal with that situation and, as a by-product, deals with much more.

TRADE PRACTICES

A concern the Division of Insurance has with any new legislation is what trade practices will develop that are not intended or expected results of the new law. We have attempted to anticipate the kinds of issues that might arise. All too often an insured is placed in a "Catch 22" by following the advice of his agent, broker or insurer. We urge the use of reasonable judgment.

One issue that we feel requires a positive position is that of nonrenewal by an insurer unwilling to provide the new minimum coverages required by the law for either a lack of capacity or underwriting considerations. Such actions are not to be considered a nonrenewal by the new insurer. The nonrenewing insurer is to advise the insured that for the purpose of completing an application to another carrier, the action is not a nonrenewal. Abuse of this will be dealt with under the trade practice chapter of the law.

PASSENGER EXCLUSIONS

Passenger exclusions have been permitted in this State for some time. The use of such endorsements was recognized judicially in Hart v. National Indemnity. With the advent of mandatory automobile insurance requirements, the continued use of such endorsements is subject to question. Discussions and testimony prior to passage of the legislation were generally leaning toward preservation of specific driver exclusions but not toward blanket exclusions.

Accordingly, blanket driver exclusions are no longer available for use in Alaska. Specific driver exclusions, when used, must be accepted, dated and signed by the insured. Specific driver exclusions are good for only one policy period. Unsigned driver exclusions are not valid.

Any policy on which a driver exclusion or a passenger exclusion appears must be stamped on its face with a warning in red letters not less than 1/4 inch in height. The warning shall read as follows:

WARNING

"Because of (exclusion no.....)(or)(endorsement no.....), this policy may be inadequate to satisfy the requirements of the Alaska Motor Vehicle Safety Responsibility Act or the Alaska Mandatory Insurance Law."

ASSIGNED RISK PLAN

Assuming that the new law requiring insurance has the effect of prompting persons currently driving without insurance to purchase

coverage, it is expected that there will be a short term dramatic increase in the assigned risk plan. In view of this expectation, the Division of Insurance has been working for some months to resolve and correct some longstanding issues with the pool.

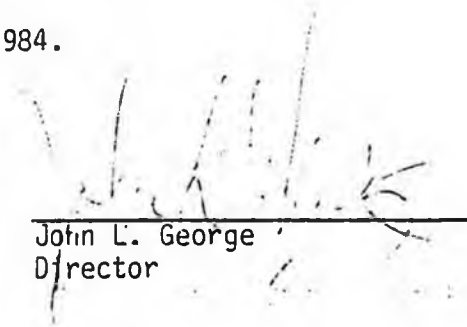
One of these situations concerns the delivery method for providing coverage and service. We hold that service delivered from the east coast is not responsive to Alaska needs. The service needs to be provided from a location in or near Alaska. To this end, the pool has agreed to install an L.A.D. (Limited Assignment Distribution) in Alaska. To date, two carriers have agreed to accept assignments, one with service facilities in Salem, Oregon, and the other with service facilities in Seattle, Washington. The approach to be used is viewed as a compromise since it is not a true servicing carrier concept and there is no direct service for underwriting in Alaska. From the viewpoint of the producer, there will be little difference from the way applications and losses have been handled in the past.

REGULATIONS

Regulations under Chapter 62 SLA 1984 to determine circumstances under which an insurer may increase the premium or add a surcharge to an automobile insurance policy have not yet been adopted, but increases necessitated by Chapter 70 SLA 1984 are obviously permitted. Anyone with comments concerning considerations in adopting such regulations should provide them in writing to the Market Surveillance Section of the Division of Insurance, Pouch D, Juneau, Alaska 99811.

Your comments need not be limited to those items accented by the recent legislative changes. We would prefer that you deal with nonautomobile items in separate correspondence.

Effective this 9th day of November, 1984.



John L. George
Director

JLG/me0078K
103084A

M E M O R A N D U M

TO: All Members, House Labor and Commerce Committee

FROM: Roger Poppe, Committee Staff

DATE: March 28, 1985

SUBJECT: Overview, HB 68

On Thursday, March 28, 1985, the House Labor and Commerce Committee met at 1:15 pm in Room 102 Capitol on HB 68 by Rep. Shultz, relating to mandatory insurance for automobiles.

Last year, the 13th Legislature passed CSSHB 7, the mandatory auto insurance bill, into law. This bill became effective on January 1, 1985 as Chapter 70 SLA 1984. While this bill had the best of intentions, there have been some unanticipated and undesirable side-effects of the legislation which are only just now coming to light.

This bill is an attempt to rectify one problem area. It appears that there are numerous drivers in Alaska who drive a large number of vehicles part-time, and it would be prohibitively expensive for them to ensure all of their automobiles. Thus, this legislation is an attempt to provide an alternative for such drivers so that instead of ensuring many vehicles, they can have an option of ensuring themselves as drivers instead of their vehicles.

What is proposed is a radical new approach to the insurance industry. Preliminary research by the sponsor indicates there is no other state in the union to date that provides to driver's liability insurance based solely on the driver instead of the vehicle. The concept has been proposed in Canada, but has so far not been passed into law.

Insurance companies at present are resistant to the idea, because it is such a radical departure from their current approach, and there is not any data available to indicate how much of an impact. The Department of Public Safety opposed the original bill (their objections are covered in the Jan. 28 Position Paper, (#5 in your file), but are more supportive of the proposed SS. Other problems are covered in the House Research Analysis (# 6 in your file).

A second problem area that has come to light is the issue of drivers in the trucking industry who currently use the same license to drive both professionally and personally. Because of the competitive pressures of the trucking industry, they often get speeding and overweight tickets, but their personal vehicle driving may be free of violations. Yet, they still have to pay the maximum insurance premiums for their private vehicle use because of their professional driving record. It may be possible to address this problem in this bill; or, it appears that Senator Coghill is working on this problem in Senate Transportation Committee, with the possibility of expanding the chauffeur's license requirements from bus drivers to include truckers. This might be included as an amendment to either SB 103 or its companion HB 133; regulating safety of motor/air carriers.

To: Mike
From: Roger

March 28, 1985

HB 68: I got the distinct impression that Rep. Shultz is relatively soft on the actual language of the bill, and would be quite amenable to any changes or amendments to it. He sees that there is a problem area, and is trying to correct it, but the wording of his original bill and even his draft has caused some problems with both the Dept. of Public Safety and with the insurance industry. I understand Bill Brown of Public Safety will be here to testify before he has to leave at 1:30. They have backed off from their original opposition to HB 68 and seem to be supportive of the proposed SS for HB 68.

I understand that someone from the Division of Insurance, Dept. of Commerce will also be here on the bill, and they will probably be opposed to it.

There is a fair amount of public interest and support for the bill, judging from the petitions and POMs in your file.

I have heard various problems have been created by the passage of the mandatory insurance act that no one anticipated when it passed. This bill might be the ideal vehicle to take care of some of those problems. One of the problems, dealing with truckers, I have covered in my memo to the Committee, and it may be taken care of by Senator Coghill in another bill as an amendment. I think Shultz has just thrown this into the committee hopper to see what additional input it could generate.

You may want to appoint a subcommittee to study the issue further. I don't think Shultz is necessarily keen to get it through the Committee this year, and would be amenable to letting the committee take its time and doing it right, if you and they feel they can support it.

INTRODUCTION OF BILLS (House), (cont'd)

HB 67, (cont'd)

introduced to corroborate the statement. In trial proceedings the party arguing in favor of offering the statement must inform the other side of the intention to offer it and the statement's contents sufficiently before the trial to give the other side a fair opportunity to respond.

Note: amendments are made to AS 12.40 (Code of Criminal Procedure. Grand Jury) and AS 12.45 (Trial). The changes to the statutes would have the effect of amending Rule 6(r), Alaska Rules of Criminal Procedure and Rules 803 and 804, Alaska Rules of Evidence. Does not provide for an effective date (takes effect 90 days after Governor signs bill). See Senate Bill 3, page 1, similar.

Introduced January 16 and referred to Health, Education & Social Services, Judiciary, then Finance.

Mandatory Car
Insurance
(tougher law)

HOUSE BILL NO. 68, by Rep. Shultz. Tightens up state mandatory motor vehicle insurance laws. Currently drivers are required to have motor vehicle liability insurance, but only have to show proof when involved in an accident or when charged with a traffic law violation with a demerit point value of six or more on the point schedule. Under Rep. Shultz's bill the Alaska driver would be required to have in effect, at all times, motor vehicle liability insurance, with no exemptions allowed. The driver would have to show proof of liability insurance when applying for or renewing a driver's license. Current law exempts vehicles that are driven on roads not connected to state highways or connected to a highway with average daily traffic volume greater than 499. Drivers who have been cited within the preceding five years for traffic law violations with demerit point values of six or more are also required to prove they have liability insurance.

Drivers would have to carry liability insurance that would cover any vehicle, rather than insurance that designates each vehicle covered and each driver covered. Underinsured and uninsured coverage would also be mandatory, and payment under that coverage could be made only where direct contact between the motor vehicles has occurred. The holder of an Alaska driver's license who changes insurance carriers would be required to present the new coverage to the Dept. of Public Safety, and upon notice that an insurance policy has been terminated or cancelled the Department shall suspend the license with a 30-day notice.

Repeals AS 28.22.010(b), Motor Vehicle Liability Policy. Subsection (b) states: "The operator's policy ... shall insure the person named as insured against loss from the liability imposed on the operator by law for damages arising out of the use by the operator of a motor vehicle not owned by the operator, within the same territorial limits and subject to the same limits of liability as are required for an owner's policy of liability insurance."

Repeals AS 28.22.050(b), Requirements of Policy. Subsection (b) states that the insurance policy is not in effect in Alaska unless the insurance company or surety company is authorized to do



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

December 3, 1984

MEMORANDUM

TO: Representative Dick Shultz

FROM: Heidi Borson Paine ^{HBP}
Legislative Analyst

RE: Mandatory Insurance of Drivers
Research Request 85-040

You requested this agency to investigate the possibility of implementing legislation requiring persons to insure their driver's licenses instead of each vehicle. Suggested areas of research were: 1) the possibility of implementing such a system and what it would entail; 2) whether or not other states have such laws; and 3) the pros and cons of insuring licenses instead of vehicles. This memorandum addresses your questions and also describes existing insurance options for persons owning more than one vehicle.

To respond to your request, I contacted the Alaska Divisions of Insurance and Motor Vehicles, as well as several insurance companies in Anchorage. I also contacted numerous national organizations, including the American Insurance Association, Alliance of American Insurers, Insurance Information Institute, National Association of Independent Insurers, and the Auto Insurance Legislation Committee of the American Bar Association.

Possibility of Legislation

According to Mary Alice Foley with the American Insurance Association, insurance based on the licensing of people instead of the number, condition or usage of vehicles is referred to as personal liability insurance. Liability insurance covers only the damage inflicted by the policy holder on other people and objects. Other types of automobile insurance such as collision or theft insurance, which insure the owners' specific vehicles against damage, could not be covered under personal liability policies. Persons wanting such coverage would have to purchase these insurance components in addition to personal liability insurance.

INTRODUCTION OF BILLS (House), (cont'd)

HB 67, (cont'd)

introduced to corroborate the statement. In trial proceedings the party arguing in favor of offering the statement must inform the other side of the intention to offer it and the statement's contents sufficiently before the trial to give the other side a fair opportunity to respond.

Note: amendments are made to AS 12.40 (Code of Criminal Procedure. Grand Jury) and AS 12.45 (Trial). The changes to the statutes would have the effect of amending Rule 6(r), Alaska Rules of Criminal Procedure and Rules 803 and 804, Alaska Rules of Evidence. Does not provide for an effective date (takes effect 90 days after Governor signs bill). See Senate Bill 3, page 1, similar.

Introduced January 16 and referred to Health, Education & Social Services, Judiciary, then Finance.

Mandatory Car
Insurance
(tougher law)

HOUSE BILL NO. 68, by Rep. Shultz. Tightens up state mandatory motor vehicle insurance laws. Currently drivers are required to have motor vehicle liability insurance, but only have to show proof when involved in an accident or when charged with a traffic law violation with a demerit point value of six or more on the point schedule. Under Rep. Shultz's bill the Alaska driver would be required to have in effect, at all times, motor vehicle liability insurance, with no exemptions allowed. The driver would have to show proof of liability insurance when applying for or renewing a driver's license. Current law exempts vehicles that are driven on roads not connected to state highways or connected to a highway with average daily traffic volume greater than 499. Drivers who have been cited within the preceding five years for traffic law violations with demerit point values of six or more are also required to prove they have liability insurance.

Drivers would have to carry liability insurance that would cover any vehicle, rather than insurance that designates each vehicle covered and each driver covered. Underinsured and uninsured coverage would also be mandatory, and payment under that coverage could be made only where direct contact between the motor vehicles has occurred. The holder of an Alaska driver's license who changes insurance carriers would be required to present the new coverage to the Dept. of Public Safety, and upon notice that an insurance policy has been terminated or cancelled the Department shall suspend the license with a 30-day notice.

Repeals AS 28.22.010(b), Motor Vehicle Liability Policy. Subsection (b) states: "The operator's policy ... shall insure the person named as insured against loss from the liability imposed on the operator by law for damages arising out of the use by the operator of a motor vehicle not owned by the operator, within the same territorial limits and subject to the same limits of liability as are required for an owner's policy of liability insurance."

Repeals AS 28.22.050(b), Requirements of Policy. Subsection (b) states that the insurance policy is not in effect in Alaska unless the insurance company or surety company is authorized to do



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

December 3, 1984

MEMORANDUM

TO: Representative Dick Shultz

FROM: Heidi Borson Paine ^{HBP}
Legislative Analyst

RE: Mandatory Insurance of Drivers
Research Request 85-040

You requested this agency to investigate the possibility of implementing legislation requiring persons to insure their driver's licenses instead of each vehicle. Suggested areas of research were: 1) the possibility of implementing such a system and what it would entail; 2) whether or not other states have such laws; and 3) the pros and cons of insuring licenses instead of vehicles. This memorandum addresses your questions and also describes existing insurance options for persons owning more than one vehicle.

To respond to your request, I contacted the Alaska Divisions of Insurance and Motor Vehicles, as well as several insurance companies in Anchorage. I also contacted numerous national organizations, including the American Insurance Association, Alliance of American Insurers, Insurance Information Institute, National Association of Independent Insurers, and the Auto Insurance Legislation Committee of the American Bar Association.

Possibility of Legislation

According to Mary Alice Foley with the American Insurance Association, insurance based on the licensing of people instead of the number, condition or usage of vehicles is referred to as personal liability insurance. Liability insurance covers only the damage inflicted by the policy holder on other people and objects. Other types of automobile insurance such as collision or theft insurance, which insure the owners' specific vehicles against damage, could not be covered under personal liability policies. Persons wanting such coverage would have to purchase these insurance components in addition to personal liability insurance.

INTRODUCTION OF BILLS (House), (cont'd)

HB 68, (cont'd)

business in Alaska, or if it is not authorized to do business, it executes a power of attorney authorizing the Director of the Division of Insurance to accept service on its behalf.

Does not provide an effective date (takes effect 90 days after Governor signs bill).

Introduced January 16 and referred to Labor & Commerce, Judiciary, then Finance.

Teachers'
Retirement
System
(contributions
& retirement)

HOUSE BILL NO. 69, by Rep. Shultz. Raises amount to be contributed to the Teachers' Retirement System from seven to nine percent. A member would be eligible for a normal retirement with 20 years of credited service, at least 15 of which have been membership service (currently the member must have 20 years of membership service).

Changes formula for figuring the monthly amount of the retirement benefit. Members with less than 10 years credited service get two percent of their average base salary times the years of credited service, including credited fractional years, divided by 12. Monthly amount of benefit for members with between 10 and 20 years credited service is two and a quarter percent (does not mention fractional years), and for members with at least 20 years is two and a half percent. The current method for figuring the monthly benefit is 2% of the average base salary during any three school years of membership service times the years of credited service, including credited fractional years divided by 12, with actuarial adjustments made for early retirement. Actuarial adjustments are made for early retirement and an indebtedness that exists at the time of retirement shall be discharged as set out in statute. Provides Act takes effect July 1, 1985.

Introduced January 16 and referred to State Affairs, then Finance.

Personal &
Annual Leave
(donations)

HOUSE BILL NO. 70, by the Rules Committee by Request of the Governor. Allows state employees to donate sick leave to another person (see accompanying letter). Takes effect immediately.

Introduced January 16 and referred to State Affairs, then Finance. On January 18 the Finance referral was waived at the request of Rep. Adams.

In his letter accompanying the bill Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the donation of personal or annual leave by state officers and employees.

Section 1 of the bill amends AS 39.20.245(b), concerning the donation of personal or annual leave by one state worker for use as sick leave by another. Currently, the law speaks only to legislative employees. The amendment would allow the same charitable act to be accomplished by executive and judicial branch non-covered workers. State employees covered by a collective bargaining agreement are

Representative Shultz
December 3, 1984
Page 2

Personal liability insurance based solely on driver characteristics could offer a viable alternative to liability insurance based on vehicles. Currently, most insurance companies consider both driver and vehicle characteristics when writing policies. However, some policies are now written for drivers without reference to a specific vehicle. For example, some insurance companies write liability insurance policies for persons who operate but do not own a vehicle.

However, it appears most insurance companies would not be willing to write liability policies for car owners without considering the number of cars the applicant owns. Without this information, insurers claim they would have insufficient information upon which to base their rates. According to many insurance companies, the type of car a person owns is often a reliable indicator of liability. They contend, for example, that Porsche drivers are more likely to drive fast than owners of Ford stationwagons. In addition, vehicle usage and the number of cars a person owns are utilized to estimate the exposure a policy holder has to situations involving potential liability.

Consequently, insurance administrators contend they would consider information about the number, condition, and usage of an applicant's vehicles even under the proposed personal liability insurance. Some insurance administrators indicated that insurance companies would assume each policy holder owned a certain number of vehicles based on the ratio of license holders and automobiles in Alaska and would determine liability insurance rates based on that assumed number. Consequently, policy holders owning more cars than the assumed number would benefit, while those owning fewer cars would be penalized.

In addition, insurance administrators maintain that laws requiring personal liability insurance would require significant administrative changes which would probably affect insurance rates. Administrators contend such a law would require insurance companies in Alaska to design new rating systems and insurance forms, adjust their accounting systems, and change their policy options, as well as implement other administrative changes which would result in increased costs to the companies. These costs would most likely be passed on to consumers through increased rates. Furthermore, insurance companies claim they would have no financial history on which to base their premiums so they would probably raise their rates to give themselves a buffer zone.

Previous Legislation

None of the agencies I contacted were aware of any states with laws providing for driver's liability insurance based solely on the driver instead of vehicles. According to Jerry Shehan in the Government Affairs Department of the American Insurance Association, a few states

have discussed, but never seriously considered, legislation providing for such personal liability insurance. According to Don Koch, with the Alaska Division of Insurance, no such legislation has ever been proposed in Alaska.

Pros and Cons

The people most likely to benefit from insurance based on driver characteristics instead of vehicles would be individuals who are the sole owners and operators of several vehicles. However, as discussed in a previous section of this memorandum, it is uncertain that even this group would save money on their rates. It is also conceivable that such a system, if rigidly enforced, could reduce the number of uninsured motorists because every person with a driver's license would be required to purchase liability insurance.

However, this kind of legislation could also have some negative consequences. For example, such a law could drive some insurance companies out of Alaska, especially companies with small shares of the insurance market in Alaska. As of 1982, two companies, State Farm Mutual Automobile Insurance Company and Allstate Insurance Company, owned forty-two percent of the automobile insurance market in Alaska. The rest of the market is shared by over 30 small insurance companies, most of which earn less than \$1 million in premiums in Alaska. Consequently, it is unlikely that many of these companies would design new insurance rating and policy systems for Alaska alone. Furthermore, Gene Reed, Agency Manager for State Farm Insurance in Anchorage, stated that State Farm Insurance, the largest automobile insurer in Alaska, probably would not be willing to accommodate a new system of personal liability insurance in Alaska. He pointed out that State Farm has only 65,000 policy holders in Alaska compared to approximately three million policy holders in California.

Second, such a law could penalize certain groups of people. For example, in a family with one car and three drivers, each driver would have to insure his/her driver's license under this system. Consequently, the law would require the family to take out three full insurance policies even though each person's potential driving time would be less than that of a sole owner and operator of a vehicle. In addition, a law mandating driver's license insurance would force a person who has a driver's license but does not own a vehicle to purchase automobile insurance.

Third, enforcement of a law tying insurance to driver's licenses could be difficult given that licenses are renewed once every five years in Alaska while many insurance policies are issued on an annual basis.

Representative Shultz

December 3, 1984

Page 4

Drivers could be required to renew their licenses at least once a year or to pay the insurance premiums for all five years before being issued a license.

Furthermore, according to Don Koch with the Alaska Division of Insurance, if such legislation were passed, it would take years for the State to collect enough data to use as a basis for regulating insurance rates. In the meantime, the State would have no real way of determining whether insurance rates were just. Currently, insurance companies in Alaska are required to file statistics with the division supporting their current rates. Over the years, the division has developed a data base with which to test the appropriateness of automobile insurance rates. } ?

Existing Remedies

If the intent of legislation mandating "driver's license insurance" is to reduce the expenses and paperwork incurred by multiple vehicle owners, several remedies currently exist. For example, many companies, including Allstate Insurance Company, permit persons owning more than one vehicle to buy one policy and list all of their cars on that policy. In addition, most insurance companies offer discounts to policy holders with more than one vehicle. State Farm, for example, gives policy holders a ten percent discount on each additional car insured after the primary vehicle.

Furthermore, the new mandatory vehicle liability insurance law in Alaska, AS 28.22.200, requires automobiles to be insured only "when driven on a highway, vehicular way or area, or on other public property in the state". Consequently, a person owning multiple vehicles does not need insurance coverage for all of the vehicles unless the vehicles are all driven regularly. For example, a person who owns a recreational vehicle and uses it only in the summer could shop around for a policy insuring the vehicle for that quarter only.

Finally, Ms. Foley, with the American Insurance Association, contends the best way to lower one's automobile insurance rates is to shop around to determine which companies offer the desired coverage at the best cost. She points out that insurance companies' rates for similar policies vary significantly.

* * * * *

I hope this information is useful. Please feel free to contact me if you have any additional questions.

HBP

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

P.O. BOX 20
JUNEAU, ALASKA 99802-0020

DIVISION OF MOTOR VEHICLES

PHONE: 465-4335

January 29, 1985

*Jeff -
File 14 B 6 D*

Representative Dick Shultz
Alaska House of Representatives
State Capitol, Pouch V
Juneau, AK 99811

Dear Representative Shultz:

You expressed a desire to have Chapter 22 of Title 28 amended to exempt operators who were driving an employer's vehicle and asked for a recommendation on how that could be accomplished.

I believe one alternative would be to add a Subsection (h) to Section 28.22.240 to reflect:

"If the driver at the time of an accident was driving in the course and scope of employment a vehicle owned, operated or leased by the driver's employer, the suspension provisions of this chapter apply to the employer and do not apply to the driver".

As worded, the above amendment would only exempt the employee in the case of an accident and would not exempt the employee if the employee was charged with a violation of traffic law.

If I can be of further assistance, please let me know.

Sincerely,

Bill Brown
BILL BROWN
Chief of Driver Services

BB/nb

1 IN THE HOUSE

BY SHULTZ

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 68
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle liability insur-
7 ance."

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

9 * Section 1. AS 28.22.010 is amended by adding a new subsection to
10 read:

11 (d) The personal policy of liability insurance shall insure the
12 person named as insured against loss from the liability imposed on the
13 insured by law for damages arising out of the use by the insured of a
14 motor vehicle, whether or not owned by the insured, and regardless of
15 the condition, usage, or number of motor vehicle's owned by the in-
16 sured. A personal policy of liability insurance shall provide cover-
17 age within the same territorial limits and subject to the same limits
18 of liability as are required for an owner's policy of liability insur-
19 ance.

20 * Sec. 2. AS 28.22.200(a) is amended to read:

21 (a) The operator [OR OWNER] of a motor vehicle subject to regis-
22 tration under AS 28.10.011 when driven on a highway, vehicular way or
23 area, or on other public property in the state, shall be insured under
24 a [HAVE] motor vehicle liability policy [INSURANCE] that complies with
25 this chapter, or a certificate of self-insurance that complies with
26 AS 28.20.400 [IN EFFECT FOR THE MOTOR VEHICLE] unless

27 (1) the motor vehicle is being driven or moved on a high-
28 way, vehicular way, or a public parking place in the state that is not
29 connected by a land highway or vehicular way to

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

2 (B) a highway or vehicular way with an average daily
3 traffic volume greater than 499; and

4 (2) the operator has not been cited within the preceding
5 five years for a traffic law violation ^{and assessed} with a demerit point value of
6 six or more on the point schedule determined under regulations adopted
7 by the department under AS 28.15.221.

8 * Sec. 3. AS 28.22.210 is amended to read:

9 Sec. 28.22.210. REQUIREMENT OF PROOF OF MOTOR VEHICLE LIABILITY
10 INSURANCE. A person [THE OWNER OR OPERATOR OF A MOTOR VEHICLE] re-
11 quired to be insured under a [HAVE] motor vehicle liability policy
12 [INSURANCE] that complies with this chapter or a certificate of self-
13 insurance that complies with AS 28.20.400, shall [MUST] show proof of
14 this policy [INSURANCE] when that person

15 (1) is involved in an accident that results in bodily
16 injury to or death of a person, or damage to the property of a person
17 exceeding \$500; or

18 (2) is charged with a traffic law violation with a demerit
19 point value of six or more on the point schedule determined under
20 regulations adopted by the department under AS 28.15.221.

21 * Sec. 4. AS 28.22.600 is amended to read:

22 Sec. 28.22.600. DEFINITION. In this chapter, "motor vehicle
23 liability policy" means an owner's policy, [OR] an operator's policy,
24 or a personal policy containing an agreement or endorsement and issued
25 by an insurance carrier authorized to transact business in the state
26 to or for the benefit of the person named as insured.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

OFFICE OF THE COMMISSIONER

March 5, 1985

*File
W.H. HB 68*

The Honorable Dick Shultz
House of Representatives
Alaska State Legislature
Pouch V
Juneau, AK 99811

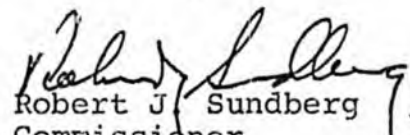
Dear Representative Shultz:

I have reviewed Committee Substitute for House Bill 68 "An act relating to motor vehicle liability insurance".

The broader interpretation addressed in the aforementioned committee substitute clarifies the scope and insurance policy needs to meet the requirements of vehicle liability insurance.

The Department supports the amendments.

Sincerely,


Robert J. Sundberg
Commissioner

Enclosure

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

P. O. BOX 960
ANCHORAGE, ALASKA 99510
(907) 269-5551

March 8, 1985

*File
with HB
6x*

The Honorable Dick Shultz
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Shultz:

I have reviewed your Committee Substitute for House Bill 68 as you requested. While I believe I understand your commendable intentions, I have the following concerns.

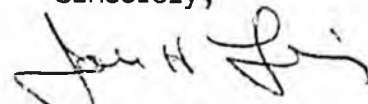
Alaska Statute 28.22.200(a), Sec. 2, places the responsibility of insurance on the operator, not owner. Where does this place employees driving company vehicles not covered under SB-103 or HB-133, which are still in committee, and the emergency regulations adopted February 28, 1985?

Additionally I question what premium rates insurance companies would need to establish for a personal policy of liability insurance. I would suggest contact with the insurance sector concerning what this will cost each operator.

Please feel free to contact me or my staff for any additional conversation on this matter.

A personal contact in Juneau on driver matters is Bill Brown, Chief of Driver Services at 465-2650.

Sincerely,



John H. Lucking
Director

TESTIMONY BY THE DIVISION OF INSURANCE

HB 68

Prepared 1/25/85

The financial responsibility law, AS 28.20, and the mandatory automobile insurance law, AS 28.22, both provide for two kinds of motor vehicle liability policy to be used to meet the requirements for insurance under those laws. They provide for an "owner policy" or an "operator's policy". This is basically the same countrywide.

Typically the "owner policy" insures the operation of a specific owned vehicle or vehicles by an insured person, his or her spouse, any relative living in the same household, or any other person using an insured vehicle with specific or implied consent of an insured. The policy also extends to the operation of private passenger type non-owned vehicles by an insured.

The "operator's policy" insures a named person, but only for that persons use of a non-owned vehicle. Coverage does not extend to owned vehicles or to other persons.

HB 68 introduces another form of coverage which is referred to as a "holders policy" in the bill. This is really an extension of the "operator's policy", the only difference being that coverage is also extended to owned vehicles. The bill would replace the "owner policy" and the "operator's policy" with the "holders policy" except in the case where the insured person is required to file proof of financial responsibility under AS 28.20 which then establishes an inconsistency in the law. The "holder's policy" is currently available but is generally rare and usually seen in a commercial setting.

The only class of persons that might gain advantage from the "holder's policy" approach, is the individual who owns and is the sole operator of a quantity of automobiles. Blanket use of the "holder's policy" to the exclusion of the "owner policy" or "operator's policy" would be a particular problem for the household that has more drivers than it has vehicles. Further the extensions of coverage available under an "owner policy" are just not practical under a "holder policy" system which would result in gaps in the protection for the public now provided.

Not many insurers offer the "holder's policy" type of coverage. This is for several reasons including

1. Other forms are broader in the scope of coverage;
2. Insurers have not been able to establish a satisfactory rating approach since so few contracts of this type are sold that the experience base is not adequate;
3. There is no demand for this type of product since so few people have a situation where it could pose a possible advantage; and,
4. The expense of handling a kind of insurance for which demand is limited and the pricing structure is of doubtful credibility is not a particularly attractive consideration for management.

There is a second component of this bill that poses a concern. Last year the legislature passed a mandatory automobile insurance law which became effective on January 1, 1985. This law requires that an motor vehicle be insured when it is operated on the highway, public way, etc. Since there is an expense associated with each point of proof, and some point of proof is necessary to determine compliance with such a law, the legislature weighed the cost of several methods of proof. It ultimately selected an approach that requires proof that insurance had been in force at the time of an accident regardless of fault or at the time of being charged with a six point or greater violation. This approach provides for about 65,000 points of proof but deals with those persons who are generally those most likely to need the coverage.

The legislature settled on this approach since it recognized that though we do have a problem with uninsured persons in this state, there is a substantial portion of the population that is responsible and voluntarily purchases the necessary coverage even without a law mandating that it do so. Since the use of an all inclusive proof would require additional staff for the state to process the paperwork and by the insurers to deal with its additional workload, it elected to go with the system that became effective on January 1.

The method called for in the bill would require at least 175,000 points of proof, and that assumes that no one changes insurance during the term of their license. The result is a fiscal impact on the taxpayer and on the auto insurance buyer to support the extra load and we doubt that there would be any greater degree of compliance than with the recently passed law. The comments we receive from insurance agents tend to suggest that the new law is having an impact and is starting to work. New applications for automobile insurance are up dramatically. We believe that the bill adopted last year is a reasonable one and that it should be given an opportunity to work and that this proposal should be put aside.

REP. DICK SMOLTS
 JUNEAU, ALASKA

JANUARY 1995

WE RECENTLY READ A BRIEF BUT INFORMATIVE ARTICLE IN THE NEWSPAPER...

NO AS MEASURE----INSURE THE DRIVER, NOT THE VEHICLE.

WE WOULD LIKE YOU TO KNOW THAT WE BACK THIS KIND OF INSURANCE, WHEREAS,
 A VEHICLE DRIVER WOULD BUY ONE INSURANCE ON HIMSELF..NO MATTER WHAT
 VEHICLE HE/SHE MAY DRIVE OR OWN.

WE AS RESIDENTS OF THE STATE OF ALASKA STAND STRONG BEHIND THIS MEASURE.

NAME	ADDRESS	AGE	PHONE
SHARON L. PROTZMAN	6522 ROSEWOOD ST		
Sharon P Protzman	ANC. AK. 99502	34	349-2161
John F Schmitt	7411 WOBURN #4 ANC. AK 99502	31	248 9053
Ken B Scotts	6331 Air Guard Rd Anc AK 99502	23	248-3837
James J Clemens	4334 SPENARD RD Anch Alaska 99503	33	248-5300
Michael A. Bell	4334 SPENARD RD Anch AK 99503	31	---
Amelia C Clemens	4334 Spenard Rd #1 Anchorage Alaska 99503	25	248-0560
Kevin Hargrett	11541 TRAILS END RD. 99511	41	YEA
Gregory J. ...	SR 2586 64 99576	42	
Benny ...	4334 Spenard Rd. 99503	41	248-5300
D.W. ... D.W. CHERIE J.C.	3441 ARCTURUS CIRCLE ANCH 99503	45	561-4421
Lillian ...	9409 Baytown Way #301 ANCH 99503	44	344-7027
Thomas E ...	SAME	60	SAME
Robert E. ...	P.O. Box 10441 FERRISMAN	25	452-8913
...	110 BERKELEY CT. FERRIS	27	452 8913

REP. DICK SMILTS
JUNEAU, ALASKA

JANUARY 1985

WE RECENTLY READ A BRIEF BUT INFORMATIVE ARTICLE IN THE NEWSPAPER...

WE AS MEASURE----INSURE THE DRIVER, NOT THE VEHICLE.

WE WOULD LIKE YOU TO KNOW THAT WE BACK THIS KIND OF INSURANCE, WHEREAS,
A VEHICLE DRIVER WOULD BUY ONE INSURANCE ON HIMSELF...NO MATTER WHAT
VEHICLE HE/SHE MAY DRIVE OR OWN.

WE AS RESIDENTS OF THE STATE OF ALASKA STAND STRONG BEHIND THIS MEASURE.

NAME	ADDRESS	AGE	PHONE
1. Frederick W. Koenig	906 W 20 th Ave Anch AK 03	45	—
2. Michael P. Gray	4929 W-80TH	35	243/208
3. Charles Bolock	3810 CAROLINA DR	35	248-4281
4. Kenneth H. ...	4500 ... Anchorage	31	349-7893
5. ...	4403 Seward Anchorage AK	29	243-4365
6. JOE IPESL	8001 E 3rd Ave #4	34	333-7278
7. Diane Baumgartner	535 Fairbanks St. 99501	33	276-4072
8. Paul ...	12730 HACE ST ANCH.	29	345-5314
9. ...	3521 Telstar Anch AK	25	243-0221
10. ...	1421 E 17 th #4 99501	25	279-5060
11. ...	1730 HACE ST ANCH	26	345-5314
12. Howard Shepherd	328 BENEFACE #24th ANCH.	39	—
13. ...	1423 "P" Street Anch	41	278-4257