

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 STRA 12789

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 126
 (H) Publish Date: 2/21/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "An Act relating to driver's licenses and permits, commercial driver's licenses,..." RDU Division of Motor Vehicles
 Component Motor Vehicles
 Sponsor Rep. Johansen
 Requester (H) STA Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will update existing motor vehicle statutes to bring the state into compliance with current and upcoming federal regulations for commercial driver's licenses.

We do not anticipate any change in expenditures or revenue as a result of this bill.

Prepared by: Duane Bannock, director
 Division: Motor Vehicles
 Approved by: Kevin Brooks, Deputy Commissioner
 Agency: Department of Administration

Phone 269-5559
 Date/Time 2/13/07 10:00 AM
 Date 2/13/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 126(JUD)
 (H) Publish Date: 3/14/07

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Commercial Drivers Licenses RDU Planning
 Component Program Development
 Sponsor Johansen
 Requester House STA Component No. 365

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill brings the state into compliance with the Motor Carrier Safety Improvement Act of 1999. Under section 384.401 of the Federal Motor Carrier Safety Regulations (49 CFR 384.401), a state that is not in compliance is subject to the withholding of up to five percent of Federal-aid highway funds that would otherwise be appropriated under 23 U.S.C. section 104(b). This reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$7 million in federal fiscal year (FFY) 2008 (starting October 1, 2007) and \$14 million in FFY 2009 (October 2008). These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP). Additionally failure to come into compliance could result in the loss of the Motor Carrier Safety Assistance Program funding. This would be \$850.0 for FY08 and FY09.

Prepared by: Mary Siroky Phone 465-4772
 Division: Commissioner's Office Date/Time 3/9/07 12:00 AM
 Approved by: Nancy Slagle, Director Admin Service Date 3/9/2007
 Agency: Department of Transportation and Public Facilities

CS FOR HOUSE BILL NO. 126(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/14/07

Referred: Rules

Sponsor(s): REPRESENTATIVE JOHANSEN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to driver's licenses and permits, commercial driver's licenses, and**
2 **other motor vehicle laws; relating to the driver's license compact; and providing for an**
3 **effective date."**

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

5 *** Section 1. AS 28.05 is amended by adding a new section to read:**

6 **Sec. 28.05.065. Access to criminal justice information.** (a) For purposes of
7 carrying out the provisions of AS 28.05, AS 28.15, AS 28.33, and AS 28.35, an
8 employee of the department assigned to perform functions under those chapters may
9 access criminal justice information about an adult or minor charged with or convicted
10 of an offense.

11 (b) For purposes of obtaining access to criminal justice information
12 maintained by the Department of Public Safety under AS 12.62, the unit assigned
13 motor vehicle functions in the Department of Administration is a criminal justice
14 agency conducting a criminal justice activity.

1 (c) In this section,

2 (1) "criminal justice activity" has the meaning given in AS 12.62.900;

3 (2) "criminal justice agency" has the meaning given in AS 12.62.900.

4 * Sec. 2. AS 28.05.071 is amended to read:

5 **Sec. 28.05.071. Change of name or address.** A person who has applied for or
6 been issued a certificate, registration, title, license, permit, or other form under this
7 title, and who changes the person's name or moves from the address shown on the
8 records or forms of the Department of Administration or the Department of Public
9 Safety, shall notify the appropriate department [IN WRITING] of the change in name
10 or address within 30 days

11 (1) on a form or in a format specified by the appropriate
12 department; and

13 (2) in a manner prescribed in regulations adopted by the
14 appropriate department.

15 * Sec. 3. AS 28.15.021 is amended to read:

16 **Sec. 28.15.021. Persons exempt from driver licensing.** The following
17 persons are exempt from driver licensing under this chapter:

18 (1) an employee of the United States government while operating a
19 motor vehicle owned by or leased to the United States government and being operated
20 on official business, unless the employee is required by the United States government
21 or an agency of that government to have a state driver's license;

22 (2) a nonresident who is at least 16 years of age and who has a valid
23 driver's license issued by another jurisdiction; however, an Alaska driver's license
24 must be obtained by the end of a 90-day period after entry into the state;

25 (3) a member of the armed forces of the United States who has a valid
26 driver's license issued by another jurisdiction when the permanent residence of the
27 member is maintained in that jurisdiction;

28 (4) a person when driving an implement of husbandry, as defined by
29 regulation, that is only temporarily driven or moved on a highway;

30 (5) a person when driving or operating an off-highway vehicle,
31 watercraft, aircraft, or other vehicle not designed for highway use as specified by the

1 department by regulation;

2 (6) a person who is at least 16 years of age with a valid driver's license
3 from a jurisdiction other than Alaska while driving a motor-driven cycle; however, an
4 Alaska driver's license for driving a motor-driven cycle must be obtained by the end of
5 a 90-day period after entering the state;

6 (7) a person when operating an electric personal motor vehicle;

7 (8) certain drivers in the United States military service who are
8 operating commercial motor vehicles for military purposes; in this paragraph,
9 "certain drivers in the United States military service"

10 (A) means

11 (i) a member of the United States active duty
12 military, including active duty United States Coast Guard;

13 (ii) a member of the United States military reserves;

14 (iii) a member of the Alaska National Guard or the
15 national guard of another state on active duty in this state,
16 including a member on part-time Alaska National Guard training;
17 and

18 (iv) an individual who serves as an Alaska National
19 Guard military technician; in this sub-subparagraph, "Alaska
20 National Guard military technician" means an individual who is
21 not a member of the military, but is required to wear a military
22 uniform;

23 (B) does not include an individual who serves as a United
24 States Military Reserve technician;

25 (9) drivers employed by a municipality or established village, as
26 that term is defined in AS 04.21.080, with a population of 3,000 or less operating
27 snow removal equipment in this state within the boundaries of the municipality
28 or established village if

29 (A) the employee who is properly licensed in this state and
30 ordinarily operates the equipment is unavailable; or

31 (B) the municipality, or established village determines that

1 an emergency exists that requires additional assistance:

2 (10) a nonresident who holds a valid commercial driver's license
 3 issued by another jurisdiction when the permanent residence of the commercial
 4 driver is maintained in that jurisdiction.

5 * Sec. 4. AS 28.15.031(b) is amended to read:

6 (b) The department may not issue an original or duplicate driver's license to,
 7 nor renew or reinstate the driver's license of, a person

8 (1) whose license is suspended, [OR] revoked, canceled, or
 9 withdrawn in this or any other jurisdiction except as otherwise provided in this
 10 chapter;

11 (2) who fails to appear in court for the adjudication of a certain
 12 vehicle, driver, or traffic offense when the person's appearance is required by statute,
 13 regulation, or court rule;

14 (3) who is an habitual user of alcohol or another drug to such a degree
 15 that the person is incapable of safely driving a motor vehicle;

16 (4) when the department, based upon medical evidence, has
 17 determined that because of the person's physical or mental disability the person is not
 18 able to drive a motor vehicle safely;

19 (5) who is unable to understand official traffic control devices as
 20 displayed in this state or who does not have a fair knowledge of traffic laws and
 21 regulations, as demonstrated by an examination;

22 (6) who has knowingly made a false statement in the person's
 23 application for a license or has committed fraud in connection with the person's
 24 application for, or in obtaining or attempting to obtain, a license, or who has not
 25 applied under oath on the form provided for the purpose of obtaining or attempting to
 26 obtain a license or permit; or

27 (7) who is required under AS 28.20 to furnish proof of financial
 28 responsibility and who has not done so.

29 * Sec. 5. AS 28.15.031 is amended by adding new subsections to read:

30 (c) The department may not issue an original or duplicate commercial driver's
 31 license to, nor renew or reinstate the commercial driver's license of, a person who is

1 disqualified from operating commercial motor vehicles in this or any other jurisdiction
2 or is not domiciled in this state.

3 (d) In this section, "disqualified" has the meaning given in AS 28.33.190.

4 * Sec. 6. AS 28.15.046(f) is amended to read:

5 (f) Costs of conducting the background check required under (b)(4) of this
6 section shall be paid by the applicant. [A LICENSE ISSUED UNDER THIS
7 SECTION EXPIRES ON SEPTEMBER 1 OF THE YEAR FOLLOWING
8 ISSUANCE.] Application for renewal may be made by submitting to the department
9 the results of a current physical examination and paying the required fee.

10 * Sec. 7. AS 28.15.051(a) is amended to read:

11 (a) Except as provided in (b) of this section, a person who is at least 14 years
12 of age may apply to the department for an instruction permit. The department may,
13 after the applicant has successfully passed all parts of the examination under
14 AS 28.15.081 other than the driving test, issue to the applicant an instruction permit.
15 The permit allows a person, while having the permit in the person's immediate
16 possession, to drive a specified type or class of motor vehicle on a highway or
17 vehicular way or area for a period not to exceed two years. The permittee shall be
18 accompanied by a person at least 21 years of age who has been licensed at least one
19 year to drive the type or class of vehicle being used, who is capable of exercising
20 control over the vehicle and who occupies a seat beside the driver, or who
21 accompanies and immediately supervises the driver when the permittee drives a
22 motorcycle. An instruction permit may be renewed one time. Once a license is issued
23 to drive a specified type or class of motor vehicle, a driver is not eligible to obtain
24 an instructional permit for that specified type or class of motor vehicle.

25 * Sec. 8. AS 28.15.061(b) is amended to read:

26 (b) An application under (a) of this section must

27 (1) contain the applicant's full legal name, date and place of birth, sex,
28 and mailing and residence addresses;

29 (2) state whether the applicant has been previously licensed in the past
30 10 year; as a driver and, if so, when and by what jurisdiction;

31 (3) state whether any previous driver's license issued to the applicant

1 has ever been suspended or revoked or whether an application for a driver's license has
 2 ever been refused and, if so, the date of and reason for the suspension, revocation, or
 3 refusal;

4 (4) contain the applicant's social security number; the requirement of
 5 this paragraph only applies to an applicant who has been issued a social security
 6 number; and

7 (5) contain other information that the department may reasonably
 8 require to determine the applicant's identity, competency, and eligibility.

9 * Sec. 9. AS 28.15.151(a) is amended to read:

10 (a) The department shall [MAY] maintain a file of

11 (1) every driver's license application, license or permit, and duplicate
 12 driver's license issued by it;

13 (2) every license that has been suspended, revoked, canceled, limited,
 14 restricted, or denied, and the reasons for those actions; [AND]

15 (3) all accident reports required to be forwarded to the department
 16 under this title; and

17 (4) every disqualification of an individual from operating a
 18 commercial motor vehicle.

19 * Sec. 10. AS 28.15.151(b) is amended to read:

20 (b) The department shall [MAY] also maintain and update within 10 days
 21 after receipt by the department, a file of all accident reports, abstracts of court
 22 records of convictions of vehicle, driver, and traffic offenses, and other information
 23 that [WHICH] the department considers necessary to carry out the purposes of this
 24 chapter.

25 * Sec. 11. AS 28.15.151(c) is amended to read:

26 (c) The department shall, upon request, subject to the applicable provisions of
 27 AS 12.62 and (f) of this section and without charging a fee, furnish (1) a municipal,
 28 state, or federal administrative or judicial agency with a certified abstract of the
 29 driving record of a driver within 10 days after receipt of the request by the
 30 department; and (2) a parent, foster parent, or guardian of a driver who is under 18
 31 years of age and not an emancipated minor an abstract of the driving record of that

1 driver; the department may refuse to release the driver's address to the parent, foster
 2 parent, or guardian if the department determines that the release of the driver's address
 3 poses a threat to the health or safety of the driver. The abstract must include a listing
 4 of accidents in which the driver has been determined by the department or a court of
 5 competent jurisdiction to have been liable, convictions of vehicle, driver, and traffic
 6 offenses, any actions taken upon the driver's license, and information relating to
 7 financial responsibility.

8 * Sec. 12. AS 28.15.171(b) is amended to read:

9 (b) The department shall [MAY], upon receiving the record of a conviction of
 10 a person licensed in another jurisdiction for a vehicle, driver, or traffic offense in this
 11 state, or upon suspending or revoking the person's driving privilege, forward a copy of
 12 the record or suspension or revocation to the motor vehicle administrator for the
 13 jurisdiction in which the person convicted is licensed.

14 * Sec. 13. AS 28.15.211(a) is amended to read:

15 (a) Except for a point system suspension or revocation under AS 28.15.221 -
 16 28.15.241 and unless provided otherwise by law, and unless the suspension or
 17 revocation was for a cause that has been removed, a person whose driver's license,
 18 privilege to drive, or privilege to obtain a license has been suspended or revoked may
 19 not apply for a new license, and the person's driving privilege may not be restored,
 20 until the expiration of

21 (1) 30 days [ONE MONTH] from the date on which the license,
 22 privilege to drive, or privilege to obtain a license was suspended or revoked for a first
 23 conviction of the particular offense from which the suspension or revocation resulted;

24 (2) 90 days [THREE MONTHS] from the date on which the license,
 25 privilege to drive, or privilege to obtain a license was suspended or revoked for a
 26 second conviction within 12 consecutive months of the same offense from which the
 27 suspension or revocation resulted;

28 (3) one year from the date on which the license, privilege to drive, or
 29 privilege to obtain a license was suspended or revoked for a third or subsequent
 30 conviction within 12 consecutive months of the same offense from which the
 31 suspension or revocation resulted.

1 * Sec. 14. AS 28.15.211(b) is amended to read:

2 (b) A limitation, suspension, or revocation of a driver's license, privilege to
3 drive, or privilege to obtain a license or a disqualification imposed by a court or the
4 department takes effect on the date of final judgment, except that if another court or
5 department limitation, suspension, disqualification, or revocation is in effect on the
6 date of final judgment, the effective date of the last imposed limitation, suspension,
7 disqualification, or revocation is at the end of the last day of the previous limitation,
8 suspension, disqualification, or revocation unless the court or department specifies
9 otherwise.

10 * Sec. 15. AS 28.33.100(a) is amended to read:

11 (a) A person may not drive a commercial motor vehicle until the person
12 applies for and is issued a license for that purpose under AS 28.15.041. The
13 department may not issue a license to drive a commercial motor vehicle unless the
14 applicant

15 (1) is at least 19 years of age, to operate in intrastate commerce, or
16 at least 21 years of age, to operate in interstate commerce;

17 (2) has held a valid driver's license at least one year before the date of
18 application or meets the experience qualifications established by the department;

19 (3) has successfully completed all required driving tests and written
20 and physical examinations;

21 (4) either does not have a driver's license issued by another jurisdiction
22 or surrenders all driver's licenses issued by other jurisdictions; and

23 (5) is domiciled in this state.

24 * Sec. 16. AS 28.33.140(a) is amended to read:

25 (a) In addition to any [THE] court action or administrative action in this or
26 any other jurisdiction [PROVIDED IN AS 28.15.181], conviction of a person who
27 holds or is required to have a commercial driver's license of any of the following
28 offenses is grounds for immediate disqualification from driving a commercial motor
29 vehicle for the periods set out in this section:

30 (1) operating a commercial motor vehicle while under the influence of
31 an alcoholic beverage, inhalant, or controlled substance in violation of AS 28.33.030;

- 1 (2) refusal to submit to a chemical test in violation of AS 28.35.032;
- 2 (3) operating a motor vehicle while under the influence of an alcoholic
3 beverage, inhalant, or controlled substance in violation of AS 28.35.030;
- 4 (4) leaving the scene of an accident in violation of AS 28.35.060, or
5 failing to file, or providing false information in, an accident report in violation of
6 AS 28.35.110;
- 7 (5) a felony under state or federal law that was facilitated because the
8 person used a [COMMERCIAL] motor vehicle;
- 9 (6) a serious traffic violation;
- 10 (7) driving after being placed out of service in violation of regulations
11 adopted under AS 19.10.060(c) or AS 28.05.011; [OR]
- 12 (8) operating a commercial motor vehicle in violation of a federal or
13 state statute or regulation, or a local law or ordinance, relating to railroad-highway
14 grade crossings;
- 15 (9) operating a commercial motor vehicle while the driver's
16 commercial motor vehicle license is suspended, revoked, or canceled, or the
17 driver is disqualified;
- 18 (10) causing a fatality through the negligent operation, or
19 operation in violation of a felony criminal law, of a commercial motor vehicle.

20 * Sec. 17. AS 28.33.140(c) is amended to read:

21 (c) Upon a conviction by a court of [A COURT CONVICTING] a person of
22 an offense described in (a)(6) of this section, the department shall disqualify that
23 person from driving a commercial motor vehicle for not less than 60 days if the person
24 has been previously convicted once, and 120 days if the person has been previously
25 convicted more than once. The disqualification period under this subsection is in
26 addition to any other previously imposed period of disqualification. As used in
27 this subsection, "previously convicted" means having been convicted in this or another
28 jurisdiction, within three years preceding the date of the present offense, of an offense
29 described in (a)(6) of this section, or of another law or ordinance with substantially
30 similar elements, arising out of a separate incident.

31 * Sec. 18. AS 28.33.140(d) is amended to read:

1 (d) Upon conviction by a court of [A COURT CONVICTING] a person of
 2 an offense described in (a)(1) - (5), (9), or (10) of this section, the department shall
 3 disqualify that person from driving a commercial motor vehicle for not less than one
 4 year for a first offense, except that, if the offense was

5 (1) facilitated by a commercial motor vehicle transporting a hazardous
 6 material [SUBSTANCE] that required that placards be placed on the vehicle under 49
 7 U.S.C. 5101 - 5127, the period of disqualification is not less than three years;

8 (2) a felony offense that involved the manufacture, distribution, or
 9 dispensing, or possession with intent to manufacture, distribute, or dispense, a
 10 controlled substance, the disqualification is for life and the license may not be
 11 reinstated under (g) of this section.

12 * Sec. 19. AS 28.33.140(e) is amended to read:

13 (e) Upon conviction by a court of [A COURT CONVICTING] a person of
 14 an offense described in (a)(1) - (5), (9), or (10) of this section, the department shall
 15 disqualify that person from driving a commercial motor vehicle for life if the person
 16 has been previously convicted. As used in this subsection, "previously convicted"
 17 means having been convicted in this or another jurisdiction of an offense described in
 18 (a)(1) - (5), (9), or (10) of this section, or of another law or ordinance with
 19 substantially similar elements.

20 * Sec. 20. AS 28.33.140(i) is amended to read:

21 (i) In addition to the requirements of AS 28.15.191, a court that disqualifies a
 22 person from driving a commercial motor vehicle shall require the surrender of the
 23 license, and shall immediately forward the license to the department with the record of
 24 conviction and notification of the effective date of the disqualification. If the
 25 disqualification occurs by administrative action as described in (a) of this section,
 26 the person disqualified from driving shall surrender the license to the
 27 department.

28 * Sec. 21. AS 28.33.140(j) is amended to read:

29 (j) Upon conviction by a court of [A COURT CONVICTING] a person of an
 30 offense described in (a)(7) of this section, the department shall disqualify that person
 31 from driving a commercial motor vehicle for the following periods: (1) if the person

1 has not been previously convicted of violating an out-of-service order, not less than
 2 180 [90] days; (2) if the person has been previously convicted once of violating an
 3 out-of-service order, not less than two years [ONE YEAR]; (3) if the person has been
 4 previously convicted more than once of violating an out-of-service order, not less than
 5 three years; (4) if the person operates a commercial motor vehicle transporting
 6 hazardous materials or a vehicle designed to transport 16 or more passengers,
 7 including the driver, in violation of an out-of-service order, not less than 180
 8 days; (5) if the person has been previously convicted of operating a commercial
 9 motor vehicle transporting hazardous materials or a vehicle designed to
 10 transport 16 or more passengers, including the driver, in violation of an out-of-
 11 service order two or more times in separate incidents within a 10-year period, not
 12 less than three years. In this subsection, "previously convicted" means having been
 13 convicted in this or another jurisdiction of an offense described in (a)(7) of this section
 14 within 10 years preceding the date of the present offense.

15 * Sec. 22. AS 28.33.140(k) is amended to read:

16 (k) Upon conviction by a court of [A COURT CONVICTING] a person of
 17 an offense described in (a)(8) of this section, the department shall disqualify that
 18 person from operating a commercial motor vehicle for the following periods: (1) if the
 19 person has not been previously convicted of violating a federal or state statute or
 20 regulation, or a local law or ordinance, relating to railroad-highway grade crossings,
 21 not less than 60 days; (2) if the person has been previously convicted once of violating
 22 a federal or state statute or regulation, or a local law or ordinance, relating to railroad-
 23 highway grade crossings, not less than 120 days; (3) if the person has been previously
 24 convicted more than once of a violation of a federal or state statute or regulation, or a
 25 local law or ordinance, relating to railroad-highway grade crossings, not less than one
 26 year. In this subsection, "previously convicted" means having been convicted in this or
 27 another jurisdiction of an offense described in (a)(8) of this section within three years
 28 preceding the date of the present offense.

29 * Sec. 23. AS 28.33.140 is amended by adding new subsections to read:

30 (l) A person who operates a commercial motor vehicle whose driving is
 31 determined by the United States Department of Transportation to constitute an

1 imminent hazard is subject to disqualification as specified by the department in
 2 regulation. The regulations adopted by the department under this subsection must be
 3 substantially similar to those set by the federal government.

4 (m) A person who violates the standards for operating a commercial motor
 5 vehicle set out by the department in regulation is subject to civil penalties established
 6 by the department in regulation. An employer who knowingly allows an employee to
 7 drive in violation of an out-of-service order or in violation of a railroad-highway grade
 8 crossing is subject to civil penalties as described in 49 U.S.C. 521(b) as established by
 9 the department in regulation. The department may adopt regulations under AS 44.62
 10 to implement this subsection. The regulations adopted under this subsection must be
 11 substantially similar to any applicable federal regulations. In this subsection,
 12 "knowingly," has the meaning given in AS 11.81.900.

13 * Sec. 24. AS 28.33.150(a) is amended to read:

14 (a) A person is guilty of a class A misdemeanor if the person drives a
 15 commercial motor vehicle in this state

16 (1) without being licensed or privileged in this state to drive a
 17 commercial motor vehicle;

18 (2) during a period when that person's driver's license, privilege to
 19 drive, or privilege to obtain a license has been canceled, suspended, or revoked, or the
 20 person has been disqualified, in this or another jurisdiction;

21 (3) in violation of a limitation placed upon that person's license or
 22 privilege to drive in this or another jurisdiction;

23 (4) during a period when that person has been disqualified from
 24 driving a commercial motor vehicle by a court or an administrative agency in this or
 25 another jurisdiction; or

26 (5) in violation of an out of service order issued under AS 28.33.130 or
 27 under a law in another jurisdiction having substantially similar requirements.

28 * Sec. 25. AS 28.33.190(11) is amended to read:

29 (11) "serious traffic violation" means

30 (A) speeding 15 miles per hour or more above the posted limit;

31 (B) reckless or negligent driving, in violation of AS 28.35.400

1 or 28.35.410 or an ordinance with substantially similar elements;

2 (C) violation of a provision of this title, or a regulation adopted
3 under this title, relating to improper lane changes or following too closely, or
4 an ordinance with substantially similar elements; [OR]

5 (D) violation of a law or ordinance relating to traffic control,
6 which was determined by the court by a preponderance of the evidence to have
7 been a factor in causing physical injury to a person;

8 **(E) driving a commercial motor vehicle without obtaining a**
9 **license to drive a commercial motor vehicle;**

10 **(F) driving a commercial motor vehicle without a license to**
11 **drive a commercial motor vehicle in the driver's possession; however, if an**
12 **individual provides proof to the department by the date that the**
13 **individual was required to appear in court or pay any fine for that**
14 **violation that the individual held a valid license to drive a commercial**
15 **motor vehicle on the date the citation was issued, the driving may not be**
16 **considered as a serious traffic violation under this paragraph; or**

17 **(G) driving a commercial motor vehicle without the proper**
18 **class of license to drive a commercial motor vehicle and any required**
19 **endorsements for the specific vehicle group being operated, or for the**
20 **passengers or type of cargo being transported.**

21 * Sec. 26. AS 28.33.190 is amended by adding new paragraphs to read:

22 (12) "commerce" means

23 (A) any trade, traffic, or transportation within the jurisdiction
24 of the United States between a place in a state and a place outside of the United
25 States; and

26 (B) trade, traffic, and transportation in the United States that
27 affects any trade, traffic, and transportation described in (A) of this paragraph;

28 (13) "commercial driver's license" means a license issued by a state or
29 other jurisdiction, in accordance with the standards contained in 49 C.F.R. 383, to an
30 individual authorizing the individual to operate a class of a commercial motor vehicle;

31 (14) "conviction" means an unvacated adjudication or conviction of

1 guilt, or a determination that a person has violated or failed to comply with the law in
2 a court of original jurisdiction or by an authorized administrative agency, an unvacated
3 forfeiture of bail or collateral deposited to secure the person's appearance in court, a
4 plea of guilty or nolo contendere accepted by the court, the payment of a fine or court
5 cost, or violation of a condition of release without bail, regardless of whether the
6 penalty is rebated, suspended, or probated;

7 (15) "domicile" means a state of the United States where a person has
8 the person's true, fixed, and permanent home and principal residence and to which the
9 person has the intention of returning whenever the person is absent;

10 (16) "hazardous material" means any material that has been designated
11 as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of
12 49 C.F.R. 172 or any quantity of a material listed as a select agent or toxin in 42
13 C.F.R. 73;

14 (17) "imminent hazard" means the existence of a condition that
15 presents a substantial likelihood that death, serious illness, severe personal injury, or a
16 substantial endangerment to health, property, or the environment may occur before the
17 reasonably foreseeable completion date of a formal proceeding by the United States
18 Department of Transportation begun to lessen the risk of that death, illness, injury or
19 endangerment.

20 * **Sec. 27.** AS 28.35.032(s) is amended to read:

21 (s) For purposes of this section, the director of the division within the
22 department responsible for administration of this section or a person designated by the
23 director may request and receive criminal justice information available under
24 AS 12.62. [IN THIS SUBSECTION, "CRIMINAL JUSTICE INFORMATION" HAS
25 THE MEANING GIVEN IN AS 12.62.900.]

26 * **Sec. 28.** AS 28.35.135(b) is amended to read:

27 (b) A person who has a certification, registration, title, license, or other form
28 issued under this title, or who has applied for a certification, registration, license, or
29 other form, and who changes the person's name or moves from the address shown on
30 the department's records or forms, shall notify the department [IN WRITING] of the
31 change in name or address within 30 days

- 1 **(1) on a form or in a format specified by the department; and**
 2 **(2) in a manner prescribed in regulations adopted by the**
 3 **department.**

4 * Sec. 29. AS 28.37.150 is amended to read:

5 **Sec. 28.37.150. Grounds requiring refusal to issue license.** Upon application
 6 for a license to drive, the licensing authority in a party state shall ascertain whether the
 7 applicant has ever held, or is the holder of a license to drive issued by another party
 8 state. The licensing authority in the state where application is made may not issue a
 9 license to drive to the applicant if

10 (1) the applicant has held a license, but the license has been suspended,
 11 **revoked, or canceled, or the applicant has been disqualified from operating a**
 12 **commercial motor vehicle,** by reason, in whole or in part, of a violation, and the
 13 suspension period has not terminated;

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

21 (3) the applicant is the holder of a license to drive issued by another
 22 party state and currently in force, unless the applicant surrenders the license;

23 **(4) the applicant has held a license, but has been disqualified from**
 24 **operating a commercial motor vehicle by reason, in whole or in part, of a**
 25 **violation, and the disqualification has not terminated; however, a person may**
 26 **make an application for a noncommercial driver license if permitted by other**
 27 **law.**

28 * Sec. 30. AS 28.90.990(a) is amended by adding a new paragraph to read:

29 (29) "criminal justice information" has the meaning given in
 30 AS 12.62.900.

31 * Sec. 31. AS 28.33.140(b) and 28.33.190(8) are repealed.

1 * **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 **TRANSITION: REGULATIONS.** The Department of Administration may proceed to
4 adopt regulations necessary to implement this Act. The regulations take effect under AS 44.62
5 (Administrative Procedure Act), but not before the effective date of the statutory changes.

6 * **Sec. 33.** Section 32 of this Act takes effect immediately under AS 01.10.070(c).

7 * **Sec. 34.** Except as provided in sec. 33 of this Act, this Act takes effect July 1, 2007.

The 25th Alaska State Legislature, 1st Session

Sponsor Statement: House Bill 126

Forms/Documents/Rights Related To Driving

Passed House!

Sponsored by Rep. Kyle Johansen

"An Act relating to access to criminal justice information for certain employees of the Department of Administration; relating to the procedure for changes to certificates, registration, titles, licenses, permits, and other forms relating to driving and motor vehicles; relating to requirements for, cancellations of, renewals of, reinstatements of, expirations of, disqualifications of, withdrawals of, suspensions or revocations of, and exemptions from commercial and other driver's licenses, permits, or privileges to drive; relating to records concerning motor vehicles and their drivers; relating to penalties for violating commercial driver licensing requirements; relating to the driver's license compact; and providing for an effective date."



Rep. Kyle Johansen
(R-1)
Chair, (H) TRA Com.

Posted: March 19, 2007 . v2 - CS HB 126 (JUD)
Bill Version: CSHB 126(JUD)(TITLE AM)
Status: (S) TRA : 2007-03-23
Next Hearing: (S) TRA : 2007-03-29 1:30 pm, Room 205
Contact: Randy Ruaro, 465-3424, *Chief of Staff*

The intent of HB 126 is to reduce the number and severity of commercial motor vehicle related fatalities and injuries. To achieve these ends, HB 126 updates existing motor vehicle statutes and adds new motor vehicle statutes to meet current and upcoming federal regulations for commercial driver's licenses. This legislation incorporates into Alaska law key provisions of the federal Motor Carrier Safety Improvement Act aimed at improving the overall effectiveness of the commercial driver's license program.

This bill will bring Alaska into compliance of the regulations set forth by the **Federal Motor Carrier Safety Administration**. Further noncompliance subjects Alaska to the withholding of up to five percent of federal-aid highway funds in the first year and up to ten percent of federal-aid highway funds in the second and subsequent years. The reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$7 million in federal fiscal year (FFY) 2008 and \$14 million in FFY 2009. If similar amounts to FFY 2009 are assumed, a total of \$63 million over a 5 year period would be lost if Alaska remains noncompliant. These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP).

Alaska would also not receive the \$850,000 Motor Carrier Safety Assistance Program (MCSAP) grant in FFY 2008 and 2009 if HB 126 does not become law. The MCSAP is a Federal grant program that provides financial assistance to states to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles (CMV) through consistent, uniform, and effective CMV safety programs.

This bill would exempt from the state's driver's license requirements certain military drivers operating commercial vehicles for military purposes and other drivers in cases of emergencies requiring additional assistance. Also, a nonresident holding a valid CDL, issued by another jurisdiction whose permanent residence is maintained in that jurisdiction will not need to be issued a State of Alaska CDL.

#

Speaker Of The House
Rep. John Harris

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SENATE COMMITTEE REPORT

DATE RETURNED: 4/16/07

FURTHER:

DATE TURNED
IN TO OFFICE: 4/27/07

Transportation Committee considered CS FOR HOUSE BILL NO. 126(JUD)(title am)

HB 126 FORMS/DOCUMENTS/RIGHTS RELATED TO DRIVING

"An Act relating to access to criminal justice information for certain employees of the Department of Administration; relating to the procedure for changes to certificates, registration, titles, licenses, permits, and other forms relating to driving and motor vehicles; relating to requirements for, cancellations of, renewals of, reinstatements of, expirations of, disqualifications of, withdrawals of, suspensions or revocations of, and exemptions from commercial and other driver's licenses, permits, or privileges to drive; relating to records concerning motor vehicles and their drivers; relating to penalties for violating commercial driver licensing requirements; relating to the driver's license compact; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

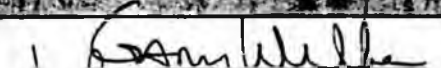
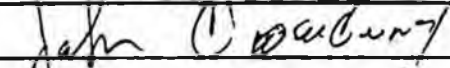
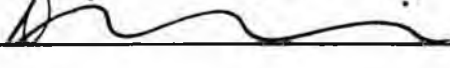
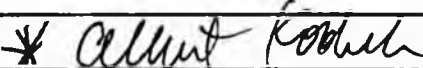
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
TRA	3/9/07			✓	3
ADM	2/13/07			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do Not PASS	NO REC	AMEND
	Wilken	X			
	COWDERY	✓			
	Wielechowski			✓	
CHAIR: 	Kosh	✓			

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 126(JUD)
 (H) Publish Date: 3/14/07

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Commercial Drivers Licenses RDU Planning
 Component Program Development
 Sponsor Johansen
 Requester House STA Component No. 365

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill brings the state into compliance with the Motor Carrier Safety Improvement Act of 1999. Under section 384.401 of the Federal Motor Carrier Safety Regulations (49 CFR 384.401), a state that is not in compliance is subject to the withholding of up to five percent of Federal-aid highway funds that would otherwise be appropriated under 23 U.S.C. section 104(b). This reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$7 million in federal fiscal year (FFY) 2008 (starting October 1, 2007) and \$14 million in FFY 2009 (October 2008). These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP). Additionally failure to come into compliance could result in the loss of the Motor Carrier Safety Assistance Program funding. This would be \$850.0 for FY08 and FY09.

Prepared by: Mary Siroky Phone 465-4772
 Division: Commissioner's Office Date/Time 3/9/07 12:00 AM
 Approved by: Nancy Slagle, Director Admin Service Date 3/9/2007
 Agency: Department of Transportation and Public Facilities

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 126
 (H) Publish Date: 2/21/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An Act relating to driver's licenses and permits, commercial driver's licenses..." RDU: Division of Motor Vehicles
 Component: Motor Vehicles
 Sponsor: Rep. Johansen
 Requester: (H) STA Component No.: 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will update existing motor vehicle statutes to bring the state into compliance with current and upcoming federal regulations for commercial driver's licenses.

We do not anticipate any change in expenditures or revenue as a result of this bill.

Prepared by: Duane Bannock, director
 Division: Motor Vehicles
 Approved by: Kevin Brooks, Deputy Commissioner
 Agency: Department of Administration

Phone: 269-5559
 Date/Time: 2/13/07 10:00 AM
 Date: 2/13/2007

SITE: Offnets

COMMITTEE: STRA

DATE: 3/28/07

SUBJECT OF MEETING: Bill

BILL: 126

UPDATE #: 1

PRINT YOUR NAME

COMMUNITY

REPRESENTING/AFFILIATION

**DO YOU WANT
TESTIFY
Y or N**

PRINT YOUR NAME	COMMUNITY	REPRESENTING/AFFILIATION	DO YOU WANT TESTIFY Y or N
Duane Bannock, Kerry Hennings, Margaret Paton-Walsh		DMV	?’s

ALASKA STATE LEGISLATURE

Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

Interim:
50 Front Street, Suite 203
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-8546



Chair
Transportation

Vice Chair
Fisheries

Member
Economic Development,
Trade and Tourism
State Affairs

REPRESENTATIVE KYLE JOHANSEN
DISTRICT ONE

Sectional (Revised)

AS 28.05 – Motor Vehicle Administration
AS 28.15 – Driver's Licenses
AS 28.33 – Commercial Motor Vehicles
AS 28.35 – Offenses and Accidents
AS 28.37 – Driver's License Compact

SECTION 1

Federal law requires states to look back 10 years at the criminal record of persons applying for licenses. Read together, sections (a) and (b) allow DMV access to the records it needs. The definition of "criminal justice information" is referenced in section 30 as having the meaning given in AS 12.62.900.

SECTION 2

Federal law requires states to have an accurate database on drivers so the records of bad drivers can be accurately recorded and accessed when they later apply for a new license. This section requires persons to update their records with DMV or DPS when they change their name or address.

SECTION 3

Federal law requires certain exemptions from a state's CDL licensing program and makes other exemptions discretionary with the state. This section adds 3 new exemptions. The first is for certain drivers in the military and is mandatory. The second is for drivers employed by a small city or village in an emergency situation for snow removal, and is discretionary at the state's election. The final exemption is for nonresidents with valid CDL's from their home state.

SECTION 4

Federal law contains a list of actions that prohibit the state DMV from issuing or renewing or reinstating a CDL to a person. This change matches up state law with the federal list for persons whose license is "suspended, revoked, cancelled, or withdrawn".

SECTION 5

Same as above in section 4 except the term "disqualified" from the federal act is incorporated into the state law.

SECTION 6

Section 6 allows school bus endorsements to expire at staggered times instead of all at once, which resulted in a flood of people trying to renew at the same time at DMV's.

SECTION 7

Federal law requires states to limit the number of times an instruction permit can be renewed. This is to make sure a person does not keep renewing an instruction permit rather than meeting the requirements for a full CDL.

SECTION 8

Federal law requires state DMV to look back into a person's driving record for 10 years when they apply for a CDL. The requirement of the applicant to provide their full "legal" name is to assist DMV in finding out whether their CDL is suspended, etc., in another state.

SECTION 9

Federal law requires state DMV's to maintain files of CDL applicants and holders. The change reflects that this duty is mandatory "shall" and not optional "may".

SECTION 10

Same as above in section 9, plus federal law requires state DMV to update their data every 10 days after receipt of a record by the DMV.

SECTION 11

Federal law requires state DMV to provide a certified abstract of a driving record to municipal, state, federal administrative, or a judicial agency within 10 days of a request.

SECTION 12

Federal law requires state DMV to forward a copy of the record of a conviction for a traffic offense of a person licensed in another jurisdiction to the DMV for that other jurisdiction. The change reflects that this duty is mandatory "shall" as opposed to discretionary or "may".

SECTION 13

Current law sets the periods for certain suspensions or revocations of a CDL in terms of "months" rather than a set time period of days. This leads to some persons having a CDL suspended or revoked for from 28 to 31 days, depending on the month. The changes set the time periods in numbers of days (30 and 90) to make all terms of suspension or revocation equal.

SECTION 14

Updates statutes to reflect that the state DMV is an entity that can disqualify a person from holding a CDL.

SECTION 15

Current state statutes allow a person 19 years of age or older to get a CDL. Federal law imposes a minimum age of 21 years old or older to drive in interstate commerce. Federal law also only allows a state DMV to issue a CDL to a person domiciled in that state.

SECTION 16

This change reflects that state DMV may be the entity disqualifying a person from holding a CDL and adds two offenses to the existing list that are grounds for immediate disqualification from holding a CDL. (Operating a

commercial motor vehicle while the driver's CDL is suspended and causing a fatality through negligent operation, or in violation of a felony criminal law in a commercial motor vehicle. These two additional offenses are mandated by federal law.

SECTION 17

Federal law requires state DMV to impose minimum suspension periods for a serious traffic violation and those periods must run consecutively, not concurrently. (The term "serious traffic violation" is defined in section 25 of the bill)

SECTION 18

Federal law requires state DMV's to disqualify a person from holding a CDL for minimum time periods for certain offenses. That minimum time period increases if the offense occurred in a commercial motor vehicle transporting hazardous materials. (The term "hazardous materials" is defined in section 26 of the bill)

SECTION 19

Federal law requires state DMV's to disqualify a person from holding a CDL for life for certain offenses and where the person has previous convictions. These changes conform state law to the federal requirements.

SECTION 20

Conforms current law requiring the surrender of a CDL to the court if the person is disqualified to require surrender of a CDL to the department.

SECTION 21

Federal law requires certain minimum suspension periods for violating an "out of service" order, and longer suspension periods when the order involved a commercial motor vehicle transporting hazardous materials or a vehicle designed to transport 16 or more passengers.

SECTION 22

Clarifies that it is the state DMV that imposes a disqualification after a court conviction for certain offenses.

SECTION 23

Federal law allows the United States Department of Transportation to determine that a person's driving of a commercial motor vehicle constitutes an "imminent hazard" and the person is subject to disqualification from holding a CDL by the state DMV as specified in regulation.

Federal law also requires certain civil penalties for violations while operating a commercial motor vehicle.

In addition, federal law imposes certain civil penalties on "employers" who "knowingly" allow an employee to drive in violation of an out of service order or in violation of a railroad-highway grade crossing. The state DMV can adopt regulations to implement this section and those regs must be substantially similar to federal regs. ("Knowingly" is defined in AS 11.81.900)

SECTION 24

This section adds driving a commercial motor vehicle while the person is disqualified from holding a CDL to the list of offenses that will be a class A misdemeanor.

SECTION 25

This section adds several offenses to the current list of "serious traffic violations" that are mandated by federal law to be included.

SECTION 26

This section adds several definitions to AS 28.33.190. The definitions added are for "commerce"; "commercial driver's license"; "conviction"; "domicile"; "hazardous material"; and "imminent hazard".

SECTION 27

Deletes the reference to "criminal justice information" as being defined in AS 12.62.900.

SECTION 28

Provides for notice to the state DMV if a person changes their name or address.

SECTION 29

State DMV's are prohibited from issuing a license to drive to an applicant if the applicant's license "revoked or cancelled" or if the person has been disqualified from driving a motor vehicle.

SECTION 30

Adds the definition of "criminal justice information" to AS 28.90.990(a).

SECTION 31

Repeals AS 28.33.140(b) and AS 28.33.190(8).

SECTION 32

Regulations authority to DMV to implement the Act.

SECTION 33

Section 32 of the Act takes effect immediately.

SECTION 34

Effective date for rest of Act is July 1, 2007.

HEB

185

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number 1
 Bill Version: CSHB 185(CRA)
 (H) Publish Date 3/28/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Municipal Road Service Areas RDU Community Assist & Ec Dev (405)
 Component Community Advocacy
 Sponsor Coghill
 Requester House Community & Regional Affairs Component No 2703

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation amends AS 29.35.450 to add two exceptions to the law which requires a public vote before making certain changes to municipal service areas. The first exception states that a subdivision may be added to a service area without a public vote, if the roads provide the only access or are required by subdivision plat, regulation or ordinance. The second exception states that a subdivision may be excluded from a service area without a public vote, if the roads do not provide the only access or are required by subdivision plat, regulation or ordinance.

This legislation will have no fiscal impact on the operations of the division.

Prepared by: Mike Black, Director Phone 907.269.4535
 Division Community Advocacy Date/Time 3/21/07 2:48 PM
 Approved by: Emil Notti, Commissioner Date 3/21/2007
 Agency Commerce, Community, and Economic Development



217 Second Street, Suite 200 • Juneau, Alaska 99801
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

May 8, 2007

Senator Albert Kookesh
Senate Transportation Chair
State Capitol
Juneau, Alaska 99811

Dear Senator Kookesh,

The Alaska Municipal League would like to offer its full support of HB185. First and foremost, our reasons for this support stem from our belief in and our commitment to **local control**.

This bill only makes sense in that it would give a municipal borough Assembly the opportunity to bring equity to road taxing authority in that any party that is not currently in the road service area, yet uses taxed roads as the only available access to their home/business, etc., can be brought into the road service area without a vote of approval by those people. To our knowledge, we have seen very few people jump at the opportunity to vote in support of paying for something that they have always received for free.

By the same token, if a subdivision of group of homes/businesses did not use a road in the road service area because of other access roads, those same people could be removed from the road service area, no longer being required to pay taxes on a road that did not use.

Again, the Alaska Municipal League would like to offer its whole-hearted support for HB185. Thank you for addressing this matter.

Sincerely,

Kathie Wasserman
Kathie Wasserman
Alaska Municipal League

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 185

HISTORY IN THE HOUSE

HISTORY IN THE SENATE

2007 Road first time and referred to:

2007 Read first time and referred to:

3/12 CRA TRA

4/25 TRA

3/28 CRA RPT CS(CRA) New Title
2 DP φ DNP 4 NR φ AM
FN 1 OFN / Prev: FN OFN

 RPT SCS() NT: SCR
 DP DNP NR AM
 FN OFN / Prev: FN OFN

4/13 TRA RPT CS(CRA) New Title
2 DP φ DNP 2 NR φ AM
FN OFN / Prev: FN 1 OFN

 RPT SCS() NT: SCR
 DP DNP NR AM
 FN OFN / Prev: FN OFN

 RPT CS() New Title
 DP DNP NR AM
 FN OFN / Prev: FN OFN

 RPT SCS() NT: SCR
 DP DNP NR AM
 FN OFN / Prev: FN OFN

 RPT CS() New Title
 DP DNP NR AM
 FN OFN / Prev: FN OFN

 RPT SCS() NT: SCR
 DP DNP NR AM
 FN OFN / Prev: FN OFN

Read second time

Read second time

CS(CRA) Adopted New Title

SCS() Adopted New Title

Amended

Amended

LC Advanced / 3rd Rdg.

 Advanced / 3rd Rdg.

Read third time

Read third time

Title Amendment

Title Amendment

Return to 2nd & amended

Return to 2nd & amended

Passed Y 36 N φ E 4 A φ

Passed Y N E A

EFD same or Y N E A

EFD same or Y N E A

CBR same or Y N E A

CBR same or Y N E A

CRT same or Y N E A

CRT same or Y N E A

Reconsideration

Reconsideration

Reconsideration not taken up

Reconsideration not taken up

Title Amendment

Title Amendment

Return to 2nd & amended

Return to 2nd & amended

Passed/Rec Y N E A

Passed/Rec Y N E A

EFD same or Y N E A

EFD same or Y N E A

CBR same or Y N E A

CBR same or Y N E A

CRT same or Y N E A

CRT same or Y N E A

Engrossed, signed by the Speaker
Transmitted to the Senate

Engrossed, signed by the President
Returned to the House

Suzanne Lowrie
Chief Clerk of the House

Secretary of the Senate

SENATE COMMITTEE REPORT

DATE: 4/25/07

FURTHER:

DATE TURNED
IN TO OFFICE: 5-8-07

Transportation Committee considered CS FOR HOUSE BILL NO. 185(CRA)

HB 185 MUNICIPAL ROAD SERVICE AREAS

"An Act relating to certain municipal service areas that provide road services."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____


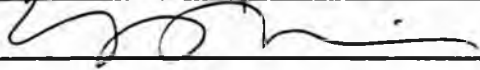
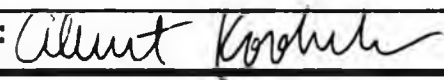
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
CEO	3/21				

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	Do PASS	Do Not PASS	NO REC	AMEND
	WILKEN			X	
	Wlodek			✓	
CHAIR: 	Korduba	✓			

CS FOR HOUSE BILL NO. 185(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 3/28/07

Referred: Transportation

Sponsor(s): REPRESENTATIVE COGHILL

COPY

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to certain municipal service areas that provide road services."**

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

3 *** Section 1. AS 29.35.450(c) is amended to read:**

4 (c) If voters reside within a service area that provides road, fire protection, or
5 parks and recreation services, abolishment of the service area is subject to approval by
6 the majority of the voters residing in the service area who vote on the question. A
7 service area that provides road, fire protection, or parks and recreation services in
8 which voters reside may not be abolished and replaced by a larger service area unless
9 that proposal is approved, separately, by a majority of the voters who vote on the
10 question residing in the existing service area and by a majority of the voters who vote
11 on the question residing in the area proposed to be included within the new service
12 area but outside of the existing service area. A service area that provides road, fire
13 protection, or parks and recreation services in which voters reside may not be altered
14 or combined with another service area unless that proposal is approved, separately, by
15 a majority of the voters who vote on the question and who reside in each of the service

1 areas or in the area outside of service areas that is affected by the proposal. This
 2 subsection does not apply

3 (1) to a proposed change to a service area that provides fire protection
 4 services that would result in increasing the number of parcels of land in the service
 5 area or successor service area if the increase is not more than six percent and would
 6 add not more than 1,000 residents;

7 (2) [. THIS SUBSECTION DOES NOT APPLY] in a second class
 8 borough to abolishment of a road service area or consolidation of two or more road
 9 service areas if

10 (A) [(1)] taxes have not been levied in the service area for road
 11 maintenance or construction during the last 12 months and there is no balance
 12 in any account available to pay for these road services for the service area;

13 (B) [(2)] during the last 12 months, the service area board has
 14 not met with a quorum present and in accordance with law; or

15 (C) [(3)] there are no road maintenance contracts in effect for
 16 the service area or the existing road maintenance contracts fail to provide for
 17 minimum road standards required by law that are necessary to protect the
 18 borough from civil liability;

19 (3) to require approval by the voters residing in a subdivision or
 20 parcel proposed to be added to a road service area if roads maintained by the
 21 service area provide the only access to the subdivision or parcel or provide access
 22 to the subdivision or parcel that is required by the subdivision plat or by other
 23 regulation or ordinance;

24 (4) to a change in the boundaries of a road service area to exclude
 25 a subdivision or parcel that does not rely on the use of roads maintained by the
 26 service area for the subdivision's or parcel's only access or for access that is
 27 required by the subdivision plat or by other regulation or ordinance.

ALASKA STATE HOUSE OF REPRESENTATIVES



Session

Contact:

Physical Address:

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North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271**

(907)-465-3719

FAX# (907)-465-3258

**State Capitol
Room 204**

REPRESENTATIVE JOHN COGHILL

Sponsor Statement

House Bill 185 provides boroughs with a means of altering existing road service area boundaries to ensure taxpayer fairness among residents of service areas.

A service area is a taxing jurisdiction within a borough that has been established to provide special services such as road maintenance or fire protection. These services are requested and approved by voters residing within a specific area.

State law permits borough residents living outside a service area to use service area roads for their sole or legally required access. These residents derive a direct benefit equal to residents within the service area, yet they can refuse to contribute to the costs of construction or maintenance of these roads by voting down any annexation attempt. These state mandated annexation votes typically fail as individuals are reluctant to join a service area when they can instead use these maintained roads for free.

HB 185 amends state law by allowing a service area to vote to annex property that uses its roads for their sole or legally required access without a separate vote of the property to be annexed.

A second issue arises where residents of a service area are required to pay into a service area even though they do not utilize the service area roads for access to their property. Service areas, however, are often reluctant to vote to remove property from the service area because it effectively raises taxes on the remaining property owners.

HB 185 amends state law by allowing a borough assembly to exercise its judgment to alter, by ordinance, a service area boundary to exclude a property that does not use service area roads as its sole or legally required access.



Fairbanks North Star Borough

Department of Law

809 Pioneer Road • PO Box 71267 • Fairbanks, AK 99707 - (907) 459-1318 FAX 459-1155

March 23, 2007

VIA FACSIMILE: 907-465-2819

Representative Anna Fairclough
State Capitol, Room 411
Juneau, AK 99801-1182

Representative Fairclough:

Thank you for the opportunity to comment on the questions posed by the Municipality of Anchorage, through Mr. Johnson's e-mail. After receiving a copy of the e-mail, I contacted Rhonda Fehlen Westover, Deputy Municipal Attorney for the Municipality of Anchorage. We agreed, after an extensive discussion of HB 185, including its impacts on our respective municipalities, to provide you with a joint response, and we are authorized on behalf of our respective governmental entities, to support HB 185.

We are both confident the new clause 3, at line 19, page 2, is constitutional. Alaska's Constitution provides that service areas "may be established, altered, or abolished" by the Assembly, subject to the provisions of law or charter. Thus, while state law could certainly add additional requirements, our Constitution only requires assembly approval. HB 185 preserves this constitutional requirement.

With respect to charter provisions, Alaska Statute 29.35.450 is one of the limitations on home rule powers, and supersedes charter provisions. A charter amendment is not necessary to implement HB 185 if approved by the legislature.

If you have any further questions, please feel free to contact either or both of us.

Sincerely,

FAIRBANKS NORTH STAR BOROUGH

MUNICIPALITY OF ANCHORAGE

A. René Broker
Borough Attorney

Rhonda Fehlen Westover
Deputy Municipal Attorney

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By: Randy Frank
Tim Beck
Introduced: 02/08/07
Substituted: 02/08/07
Adopted: 02/08/07

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2007 - 04

A RESOLUTION ASKING THE ALASKA STATE LEGISLATURE TO MODIFY STATE LAW CONCERNING SERVICE AREA ALTERATIONS

WHEREAS, it is the responsibility of local governments to ensure service areas are established, operated, and altered in a manner consistent with the constitutional purpose of service areas and the overall public good; and

WHEREAS, the Fairbanks North Star Borough Assembly supports legislative changes that would enable local governments to exercise appropriate control and management of its service areas; and

WHEREAS, the Assembly recently placed a request for a state law change concerning service area alterations on its 2007 legislative priority list; and

WHEREAS, the previously suggested language would only permit the assembly to include property in a road service area if the property utilizes the road services area's roads; and

WHEREAS, as a matter of fairness, the assembly should also have the right to remove property from a road service area if the property does not utilize the road service area's roads.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough supports the following change to AS 29.35.450(a):

(a) A service area to provide special services in a borough or unified municipality may be established, operated, altered, or abolished by ordinance, subject to (c) of this section except that:

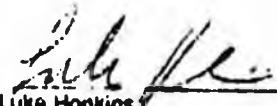
(1) no vote of the area proposed to be included into a road service area shall be required if the area proposed to be included utilizes the road service area's roads for either its sole or its legally required subdivision access; and

(2) no vote should be required to alter the boundaries of a road service area to exclude an area that does not utilize the road service area's roads for either its sole or its legally required subdivision access.

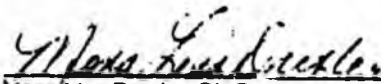
47 BE IT FURTHER RESOLVED that the Assembly requests the Alaska
48 State Legislature to modify the current language in AS29.35.450(a) concerning service
49 area alterations as noted above.

50
51 BE IT FURTHER RESOLVED, that copies of this resolution shall be sent
52 to the Alaska Interior Delegation.

53
54 PASSED AND APPROVED THIS 8th DAY OF FEBRUARY 2007.


Luke Hopkins
Presiding Officer

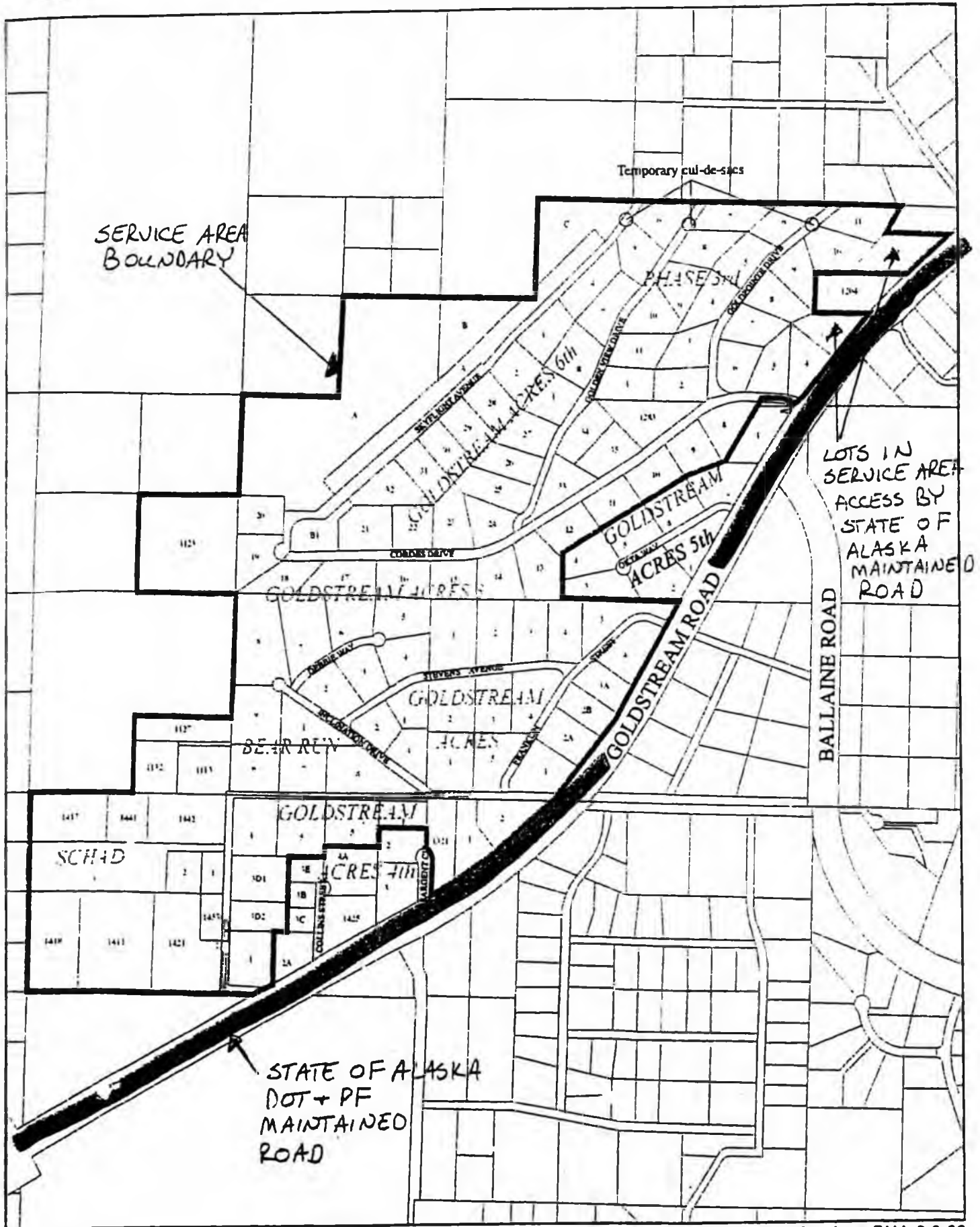
ATTEST:


Mona Lisa Drexler, CMC
Municipal Borough Clerk

55
56 Ayes: Bartos, Beck, Frank, Foote, Winters, Musick, Tharren, Rex, Hopkins
57 Noes: None
58



Cordes Drive Road Service Area

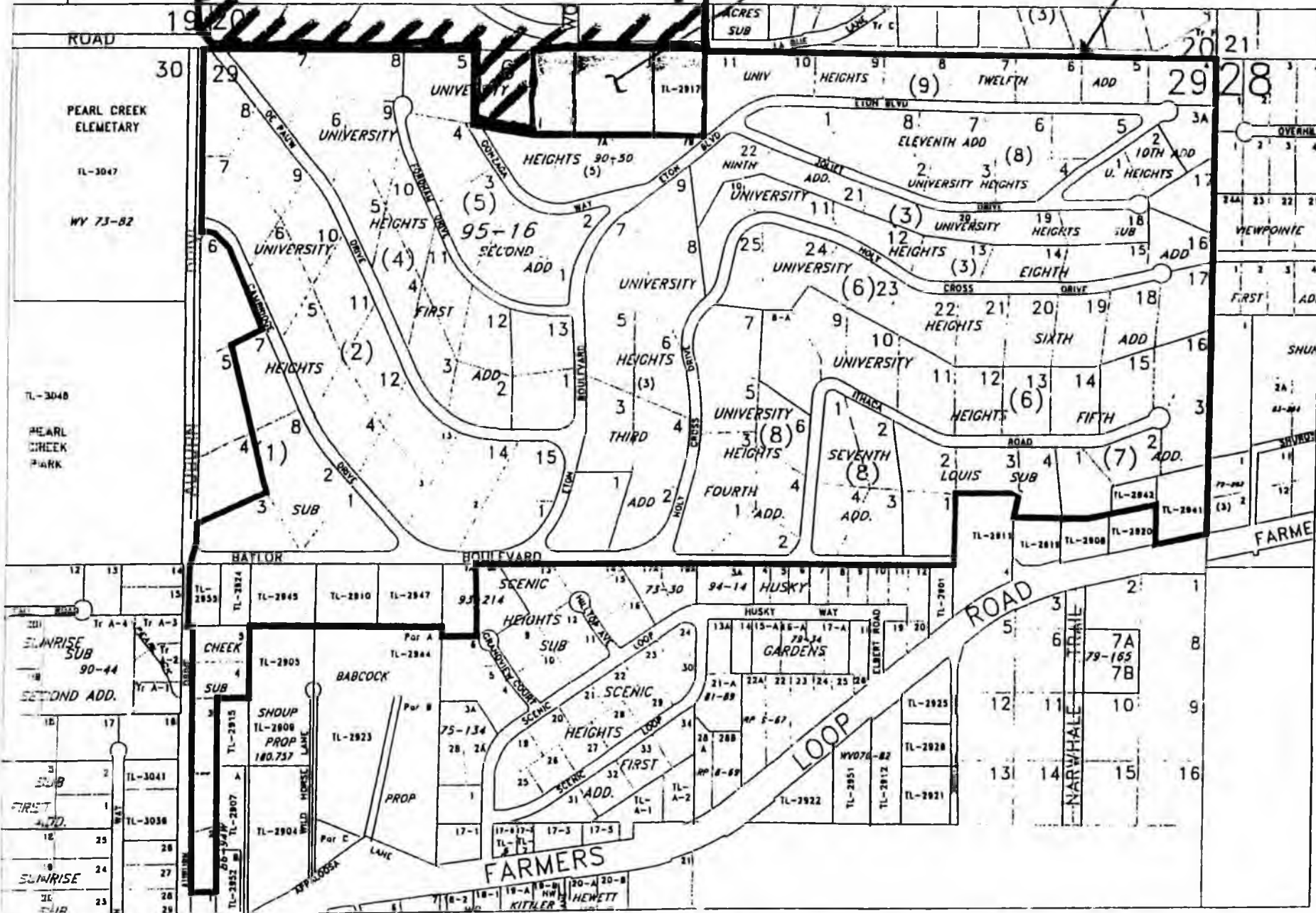




MUSK OX ROAD SERVICE AREA

LOTS OUTSIDE SERVICE AREA.
ACCESS IS BY SERVICE AREA ROADS

UNIVERSITY HEIGHTS ROAD SERVICE AREA



FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 185(CRA)
 (H) Publish Date: 3/28/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title: Municipal Road Service Areas RDU: Community Assist & Ec Dev (405)
 Component: Community Advocacy
 Sponsor: Coghill
 Requester: House Community & Regional Affairs Component No.: 2703

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation amends AS 29.35.450 to add two exceptions to the law which requires a public vote before making certain changes to municipal service areas. The first exception states that a subdivision may be added to a service area without a public vote, if the roads provide the only access or are required by subdivision plat, regulation or ordinance. The second exception states that a subdivision may be excluded from a service area without a public vote, if the roads do not provide the only access or are required by subdivision plat, regulation or ordinance.

This legislation will have no fiscal impact on the operations of the division.

Prepared by: Mike Black, Director Phone 907.269.4535
 Division: Community Advocacy Date/Time 3/21/07 2:48 PM
 Approved by: Emil Notti, Commissioner Date 3/21/2007
 Agency: Commerce, Community, and Economic Development

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 185

HISTORY IN THE HOUSE

2007 **Read first time and referred to:**
3/12 CRA TRA

3/28 CRA RPT CS(CRA) New Title
2 DP φ DNP 4 NR φ AM
FN 1 OFN / Prev: FN OFN

4/13 TRA RPT CS(CRA) New Title
2 DP φ DNP 2 NR φ AM
FN OFN / Prev: FN 1 OFN

 RPT CS() New Title
 DP DNP NR AM
 FN OFN / Prev: FN OFN

 RPT CS() New Title
 DP DNP NR AM
 FN OFN / Prev: FN OFN

4/24 **Read second time**
 CS(CRA) Adopted New Title

Amended
 UC Advanced / 3rd Rdg.

4/24 **Read third time**
 Title Amendment
 Return to 2nd & amended

Passed Y 36 N φ E 4 A φ
 EFD same or Y N E A
 CBR same or Y N E A
 CRT same or Y N E A

Reconsideration

Reconsideration not taken up
 Title Amendment
 Return to 2nd & amended

Passed/Rec Y N E A
 EFD same or Y N E A
 CBR same or Y N E A
 CRT same or Y N E A

4/24 Engrossed, signed by the Speaker
Transmitted to the Senate
Suzanne Lowrie
Chief Clerk of the House

HISTORY IN THE SENATE

2007 **Read first time and referred to:**
4/25 TRA

 RPT SCS() NT: SCR
 DP DNP NR AM
 FN OFN / Prev: FN OFN
To:

 RPT SCS() NT: SCR
 DP DNP NR AM
 FN OFN / Prev: FN OFN
To:

 RPT SCS() NT: SCR
 DP DNP NR AM
 FN OFN / Prev: FN OFN
To:

Read second time
 SCS() Adopted New Title
SCR No.

Amended
 Advanced / 3rd Rdg.

Read third time
 Title Amendment
 Return to 2nd & amended

Passed Y N E A
 EFD same or Y N E A
 CBR same or Y N E A
 CRT same or Y N E A

Reconsideration

Reconsideration not taken up
 Title Amendment
 Return to 2nd & amended

Passed/Rec Y N E A
 EFD same or Y N E A
 CBR same or Y N E A
 CRT same or Y N E A

Engrossed, signed by the President
Returned to the House

Secretary of the Senate

HOUSE-SENATE HISTORY (continued)

20

Version Received from the Senate:

Concur in Senate Amendment

Y ___ N ___ E ___ A ___
[] EFD same or Y ___ N ___ E ___ A ___
[] CBR same or Y ___ N ___ E ___ A ___
[] CRT same or Y ___ N ___ E ___ A ___

Failed concur in Senate amd., ask Senate recede

Y ___ N ___ E ___ A ___

Senate failed to recede from amendment

Y ___ N ___ E ___ A ___

CC appointed by House _____ Chair

CC appointed by Senate _____ Chair

(H) Granted Limited Powers of Free Conference

(S) Granted Limited Powers of Free Conference

20

(H) Adopted CC Rpt _____

Y ___ N ___ E ___ A ___

[] EFD same or Y ___ N ___ E ___ A ___

[] CBR same or Y ___ N ___ E ___ A ___

[] CRT same or Y ___ N ___ E ___ A ___

(S) Adopted CC Rpt _____

Y ___ N ___ E ___ A ___

[] EFD same or Y ___ N ___ E ___ A ___

[] CBR same or Y ___ N ___ E ___ A ___

[] CRT same or Y ___ N ___ E ___ A ___

Sent to enrolling

Received from Enrolling _____ Manifest Error

Sent to Governor

_____ By Governor

Chapter Number _____

Filed with Lieutenant Governor

Some AS S



CS FOR HOUSE BILL NO. 185(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 3/28/07

Referred: Transportation

Sponsor(s): REPRESENTATIVE COGHILL

This is the vehicle to use -

C

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to certain municipal service areas that provide road services."**

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

3 *** Section 1. AS 29.35.450(c) is amended to read:**

4 (c) If voters reside within a service area that provides road, fire protection, or
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6 the majority of the voters residing in the service area who vote on the question. A
7 service area that provides road, fire protection, or parks and recreation services in
8 which voters reside may not be abolished and replaced by a larger service area unless
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2 subsection does not apply

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6 add not more than 1,000 residents;

7 (2) [. THIS SUBSECTION DOES NOT APPLY] in a second class
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10 (A) [(1)] taxes have not been levied in the service area for road
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12 in any account available to pay for these road services for the service area;

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14 not met with a quorum present and in accordance with law; or

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16 the service area or the existing road maintenance contracts fail to provide for
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19 (3) to require approval by the voters residing in a subdivision or
20 parcel proposed to be added to a road service area if roads maintained by the
21 service area provide the only access to the subdivision or parcel or provide access
22 to the subdivision or parcel that is required by the subdivision plat or by other
23 regulation or ordinance;

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25 a subdivision or parcel that does not rely on the use of roads maintained by the
26 service area for the subdivision's or parcel's only access or for access that is
27 required by the subdivision plat or by other regulation or ordinance.

ALASKA STATE HOUSE OF REPRESENTATIVES



Session

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FAX# (907)-465-3258
**State Capitol
Room 204**

Contact:

Interim Address:

**3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271**

REPRESENTATIVE JOHN COGHILL

Sponsor Statement

House Bill 185 provides boroughs with a means of altering existing road service area boundaries to ensure taxpayer fairness among residents of service areas.

A service area is a taxing jurisdiction within a borough that has been established to provide special services such as road maintenance or fire protection. These services are requested and approved by voters residing within a specific area.

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HB 185 amends state law by allowing a service area to vote to annex property that uses its roads for their sole or legally required access without a separate vote of the property to be annexed.

A second issue arises where residents of a service area are required to pay into a service area even though they do not utilize the service area roads for access to their property. Service areas, however, are often reluctant to vote to remove property from the service area because it effectively raises taxes on the remaining property owners.

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