



LAWS OF ALASKA

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Source

HB 840

Chapter No.

121

AN ACT

Relating to motor vehicle operator's licenses; and changing Rule 11(e)(6)(i), Rules of Criminal Procedure.

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

* Section 1. AS 28.15.282(d) is amended to read:

(d) Notice of each assessment of points may be given, but notice shall be given when the point accumulation reaches 50 per cent of the number at which suspension, revocation or denial is required under (b) of this section, and a driver who has reached that level of point accumulation shall be identified as a problem driver. The department may require a problem driver to appear for a driver improvement interview. The purpose of such an interview is to assist the person who is identified as a problem driver in overcoming substandard driving habits. An interview required under this subsection is not a substitute for a personal interview under secs. 284 and 285 of this chapter and is to be conducted in an informal manner. A driver shall be required to comply with any recommendations designed to improve his driving abilities which are made to him during the interview.

* Sec. 2. AS 28.15.282(i) is amended to read:

(i) Two points shall be deducted from a licensee's assessed total if he has not been convicted of a violation of traffic laws which occurred during the 12-month period after the date of his last violation of which he was convicted. In addition, two points shall be deducted from the assessed total upon the operator's furnishing to the department adequate proof of successful completion of a driver improvement course approved by the department. No more than one course may be used to obtain a reduction in points in any 12-month period.

* Sec. 3. AS 28.15.283 is amended to read:

Sec. 28.15.283. SUSPENSION, REVOCATION, LIMITATION, DENIAL. The department shall suspend, revoke, limit, deny, or initiate other remedial action against the driving privilege of a person, (1) upon his failure to appear for a driver improvement interview under sec. 282(d) of this chapter or (2) upon his failure to comply with reasonable recommendations designed to improve his driving abilities which are made to him during the driver improvement interview. The department shall suspend, revoke, or deny a motor vehicle operator's license of a person who has been identified through his point accumulation as a habitually reckless or negligent driver or as a habitual or frequent violator under sec. 282 of this chapter.

* Sec. 4. AS 28.15.284 is amended to read:

Sec. 28.15.284. PERSONAL INTERVIEW. (a) When the department proposes to take action against a person's operator's license or driving privilege under sec. 283 of this chapter, the department shall notify the licensee to appear for a personal interview on a date not less than 10 days after the date of the notice. The notice shall contain a statement setting out the proposed departmental action and the grounds for that action. The notification shall be given to the licensee in writing by registered mail, addressed to the address of the licensee as shown by the records of the department.

(b) The interview ordered by the department shall be held at the office of the department nearest to the residence of the licensee, unless the department and the licensee agree that the interview is to be held elsewhere. An interview delay shall be granted by the department only if the licensee presents the department with good cause for the delay. If an interview is delayed, the department shall set a new date for the interview no later than 30 days after the date of the original interview.

(c) If a licensee fails to appear for a personal interview at the time and place stated by the department in its notice to the licensee and if the licensee has not been granted an interview delay or has not waived the interview as provided in (d) of this section, his failure to appear is considered a waiver of the personal interview and the department may take appropriate action against the licensee's motor vehicle operator's license.

(d) A licensee may waive a personal interview and request an administrative review of the department's proposed action instead of a personal interview. The licensee may make a written answer in which he may controvert any point or issue and present evidence or arguments for the consideration of the department pertinent to the action to be taken or the grounds for the action. After reviewing its records and the written statements, arguments and evidence submitted by the licensee, the department shall render its decision and proceed in the same manner as if the licensee had had a personal interview under sec. 285 of this chapter.

* Sec. 5. AS 28.15.285 is amended to read:

Sec. 28.15.285. CONDUCT OF PERSONAL INTERVIEW; FINDINGS; REQUEST FOR FORMAL HEARING. (a) A personal interview shall be conducted in an informal manner before an examiner sitting as a referee. The licensee shall have the right to make an oral or written answer or statement in which he may controvert any point or issue and present evidence or arguments for the consideration of the department pertinent to the action to be taken or the grounds for the action. The department may consider its records relating to the licensee. The personal interview is not a formal agency hearing.

(b) Upon the conclusion of a personal interview, the department's referee shall make findings on the matter under consideration and prepare and submit recommendations to the department. After a review of the referee's report and the department's records, the department shall render its decision concerning the matter under consideration and shall notify the person involved of its action in writing by registered mail. The decision is effective ten days after receipt of the notice. The person upon receiving the notice may, in writing and within 10 days, request a hearing under sec. 286 of this chapter.

* Sec. 6. AS 28.15.287 is amended to read:

Sec. 28.15.287. JUDICIAL REVIEW UNDER POINT SYSTEM. A person whose motor vehicle operator's license is suspended, revoked, limited, or denied under sec. 286 of this chapter may initiate a proceeding in the district court to rescind the department's action by filing a notice of appeal in accordance with the applicable rules of the court governing appeals in civil matters. The hearing on the appeal shall be on the record of the hearing provided for in sec. 286 of this chapter except that the court may augment the hearing record. The scope of review applied in a determination under this section shall be as specified in AS 44.62.570(b) and (c).

* Sec. 7. AS 28.15.190(c) is amended to read:

(c) A conviction on a plea of nolo contendere accepted by the court or a forfeiture of bail or collateral deposited to secure a defendant's appearance in court which has not been vacated is equivalent to a conviction for purposes of this chapter.

* Sec. 8. AS 28.15.282(h) is repealed.

* Sec. 9. Section 7 of this Act has the effect of changing Rule 11(e) (6)(i), Rules of Criminal Procedure, by providing that a conviction on a plea of nolo contendere for those offenses required to be reported by the courts to the Department of Public Safety under AS 28.15.190 shall be equivalent to a conviction on a plea of guilty for purposes of AS 28.15 and is admissible against the defendant in a criminal or administrative proceeding based upon AS 28.15.