



LAWS OF ALASKA

1990

Source

SB 499

Chapter No.

158

AN ACT

Relating to appeal of administrative action against a driver's license.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 21, 1990
Actual Effective Date: September 19, 1990

AN ACT

Relating to appeal of administrative action against a driver's license.

* Section 1. AS 28.05.141(d) is amended to read:

(d) A person aggrieved by the decision of the hearing officer may, within 30 days after a decision is mailed or delivered to the person, file an appeal in superior court for judicial review of the hearing officer's decision. The judicial review shall be on the record. The court may reverse the department's determination if the court finds that the department misinterpreted the law, acted in an arbitrary and capricious manner, or made a determination unsupported by the evidence in the record [, INITIATE A PROCEEDING IN DISTRICT COURT TO RESCIND THE DEPARTMENT'S ACTION BY FILING A NOTICE OF APPEAL IN ACCORDANCE WITH THE APPLICABLE RULES OF COURT GOVERNING APPEALS IN CIVIL MATTERS. THE COURT SHALL CONDUCT A HEARING DE NOVO]. The decision of the department suspending, revoking, canceling, limiting, restricting, or denying a license, registration, title, permit, or privilege is stayed and does not take effect during the pendency of an appeal.

* Sec. 2. AS 28.15.166(m) is amended to read:

(m) Within [NOTWITHSTANDING AS 28.05.141(d), WITHIN] 30 days of the issuance of the final determination of the department, a person aggrieved by the determination may file an appeal in superior court for judicial review of the hearing officer's determination. The

Chapter 158

1 judicial review shall be on the record, without taking additional
2 testimony. The court may reverse the department's determination if
3 the court finds that the department misinterpreted the law, acted in
4 an arbitrary and capricious manner, or made a determination unsup-
5 ported by the evidence in the record.
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