

HOUSE BILL NO. 256

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES HAWKER, Peggy Wilson

Introduced: 1/19/10

Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act allowing the commissioner of transportation and public facilities to designate a**
2 **portion of a highway within a traffic safety corridor as a zero tolerance district and**
3 **setting out the penalties for a traffic violation within a zero tolerance district."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 PURPOSE OF AS 19.10.077. It is the purpose of AS 19.10.077, enacted by sec. 2 of
8 this Act, to establish a presumption that, in areas within traffic safety corridors identified by
9 the commissioner of transportation and public facilities as areas in which there is objective
10 evidence of a demonstrably heightened chance of vehicle accidents or substantial harm to
11 other persons using the highway, motor vehicle operators are given actual notice of the risks
12 that attach to negligent vehicle operation and that, having been made aware of the risk,
13 operation of the motor vehicle in a manner that contributes to the death of another person in
14 the area constitutes conduct that may properly be charged as the crime of manslaughter.

1 * **Sec. 2.** AS 19.10 is amended by adding a new section to read:

2 **Sec. 19.10.077. Designation of zero tolerance districts; fines.** (a) To promote
3 traffic safety and deter unsafe driving of vehicles, and to give notice to motor vehicle
4 operators of the risks that attach to conduct in violation of AS 28 (Alaska Uniform
5 Vehicle Code) in areas in which the commissioner has determined that there is a
6 greater chance of accidents or harm than in most areas of a traffic safety corridor, the
7 department may designate all or a portion of a traffic safety corridor established under
8 AS 19.10.075 to be a zero tolerance district. The commissioner shall establish criteria
9 for the designation and continuation of zero tolerance districts that include showing
10 that an area has a greater chance of accidents or harm than in most areas of a traffic
11 safety corridor. In establishing the criteria, the commissioner may consider accident
12 data and reports, the type and volume of vehicular traffic, engineering and traffic
13 studies, and other relevant factors. Before the department designates a zero tolerance
14 district, the commissioner shall consult with the commissioner of public safety and
15 shall consult with other local, state, and federal agencies with responsibility for traffic
16 safety.

17 (b) A motor vehicle or traffic offense committed in a zero tolerance district is
18 subject to fines or imprisonment under the schedule listed in AS 28.90.032.

19 (c) The department shall erect signs designating zero tolerance districts and
20 alerting the public that motor vehicle and traffic offenses committed within a zero
21 tolerance district are subject to increased penalties.

22 (d) A claim for damages may not be made against the state or its officers,
23 employees, or agents for an act or omission relating to the designation of and erection
24 of signs regarding a zero tolerance district.

25 (e) The legislature may appropriate 50 percent of the fines for offenses
26 committed in a zero tolerance district imposed under AS 28.90.032 and collected and
27 separately accounted for by the state under AS 37.05.142 to the division in the
28 Department of Transportation and Public Facilities responsible for highway safety
29 planning, for highway safety programs.

30 * **Sec. 3.** AS 28.15.221(c) is amended to read:

31 (c) The regulations adopted under (a) of this section shall include a two-point

1 addition to a licensee's assessed total if the licensee, while in a designated traffic
 2 safety corridor **or zero tolerance district**, overtakes and passes another vehicle in a
 3 zone designated by a safety control device that prohibits passing.

4 * **Sec. 4.** AS 28.90.030 is amended by adding a new subsection to read:

5 (e) The provisions of this section do not apply to offenses committed within a
 6 zero tolerance district.

7 * **Sec. 5.** AS 28.90 is amended by adding a new section to read:

8 **Sec. 28.90.032. Fines for offenses committed within a zero tolerance**
 9 **district.** (a) Unless it is declared to be a felony, a violation of this title or regulation
 10 adopted under this title committed in a zero tolerance district is a class A
 11 misdemeanor. Upon conviction, the court shall impose a minimum sentence of

12 (1) a 90-day suspension of the person's driver's license or a fine of
 13 \$10,000 if the person has not been previously convicted under this section within the
 14 four years preceding the violation;

15 (2) imprisonment of not less than 30 days and a 180-day suspension of
 16 the person's driver's license if the person has been previously convicted once under
 17 this section in the four years preceding the violation;

18 (3) imprisonment of not less than 90 days, forfeiture of the vehicle, and
 19 permanent revocation of the person's driver's license if the person has been convicted
 20 twice under this section in the four years preceding the violation.

21 (b) Fines imposed and collected under this section shall be separately
 22 accounted for under AS 37.05.142.

23 (c) Notwithstanding the requirements of (b) of this section and AS 37.05.142,
 24 the Alaska Court System shall deposit fines collected under this section in the general
 25 fund if the fine is collected at a court location where separate accounting for zero
 26 tolerance district fines is not achievable.

27 (d) The administrative director of the Alaska Court System shall notify the
 28 Department of Administration

29 (1) of court locations where separate accounting under (b) of this
 30 section is not achievable; and

31 (2) when a court location identified under (1) of this subsection

1 becomes able to separately account for fines under (b) of this section.

2 * **Sec. 6.** AS 28.90.990(a) is amended by adding a new paragraph to read:

3 (31) "zero tolerance district" means a portion of a highway designated
4 by the Department of Transportation and Public Facilities under AS 19.10.077(a) on
5 which signs have been erected designating that portion as a zero tolerance district
6 under AS 19.10.077(c).