

CS FOR HOUSE BILL NO. 82(STA) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Amended: 4/9/17

Offered: 3/20/17

Sponsor(s): REPRESENTATIVES KREISS-TOMKINS, Claman, Ortiz, Westlake, Stutes

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to vehicle registration; relating to off-highway restricted areas; and**
2 **relating to motor vehicle liability insurance."**

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

4 *** Section 1.** AS 28.10.011 is amended to read:

5 **Sec. 28.10.011. Vehicles subject to registration.** Every vehicle driven,
6 moved, or parked **on** [UPON] a highway or other public parking place in the state
7 shall be registered under this chapter except when the vehicle is

8 (1) driven or moved on a highway only for the purpose of crossing the
9 highway from one private property to another, including an implement of husbandry
10 as defined by regulation;

11 (2) driven or moved on a highway under a dealer's plate or temporary
12 permit as provided for in AS 28.10.031 and 28.10.181(j);

13 (3) special mobile equipment as defined by regulation;

14 (4) owned by the United States;

- 1 (5) moved by human or animal power;
- 2 (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil
3 Relief Act);
- 4 (7) driven or parked only on private property;
- 5 (8) the vehicle of a nonresident as provided under AS 28.10.121;
- 6 (9) transported under a special permit under AS 28.10.151;
- 7 (10) **a noncommercial motor vehicle and is** [BEING] driven or
8 moved **in an area included on the list published by the department under (b) of**
9 **this section** [ON A HIGHWAY, VEHICULAR WAY, OR A PUBLIC PARKING
10 PLACE IN THE STATE THAT IS NOT CONNECTED BY A LAND HIGHWAY
11 OR VEHICULAR WAY TO
- 12 (A) THE LAND-CONNECTED STATE HIGHWAY
13 SYSTEM; OR
- 14 (B) A HIGHWAY OR VEHICULAR WAY WITH AN
15 AVERAGE DAILY TRAFFIC VOLUME GREATER THAN 499];
- 16 (11) an implement of husbandry operated in accordance with the
17 provisions of AS 19.10.065;
- 18 (12) an electric personal motor vehicle.

19 * **Sec. 2.** AS 28.10.011 is amended by adding a new subsection to read:

20 (b) The department shall annually publish a list of areas of the state that do not
21 have land-connected road access to a location where the driver skills test is conducted
22 at least once every 12 months. The department shall make the list available at each
23 office of the department and on the department's Internet website.

24 * **Sec. 3.** AS 28.15.201(d) is amended to read:

25 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
26 a license under AS 28.15.181(c), or the department when revoking a driver's license,
27 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
28 limited license privileges if

29 (1) the revocation was for a misdemeanor conviction under
30 AS 28.35.030 or a similar municipal ordinance and not for a violation of
31 AS 28.35.032;

- 1 (2) the person
- 2 (A) has not been previously convicted and the limited license is
- 3 not granted during the first 30 days of the period of revocation; or
- 4 (B) has been previously convicted and the limited license is not
- 5 granted during the first 90 days of the period of revocation;
- 6 (3) the court or department requires the person to use an ignition
- 7 interlock device during the period of the limited license whenever the person operates
- 8 a motor vehicle in an area [A COMMUNITY] not included in the list published by
- 9 the department under AS 28.10.011(b) [AS 28.22.011(b)] and, when applicable,
- 10 (A) the person provides proof of installation of the ignition
- 11 interlock device on every vehicle the person operates;
- 12 (B) the person signs an affidavit acknowledging that
- 13 (i) operation by the person of a vehicle that is not
- 14 equipped with an ignition interlock device is subject to penalties for
- 15 driving with a revoked license;
- 16 (ii) circumventing or tampering with the ignition
- 17 interlock device is a class A misdemeanor; and
- 18 (iii) the person is required to maintain the ignition
- 19 interlock device throughout the period of the limited license, to keep
- 20 up-to-date records in each vehicle showing that any required service
- 21 and calibration is current, and to produce those records immediately on
- 22 request;
- 23 (4) the person is enrolled in and is in compliance with or has
- 24 successfully completed the alcoholism screening, evaluation, referral, and program
- 25 requirements of the Department of Health and Social Services under AS 28.35.030(h);
- 26 (5) the person provides proof of insurance as required by AS 28.20.230
- 27 and 28.20.240; and
- 28 (6) the person has not previously been convicted of violating the
- 29 limitations of an ignition interlock limited license or been convicted of violating the
- 30 provisions of AS 28.35.030 or 28.35.032 while on probation for a violation of those
- 31 sections.

1 * **Sec. 4.** AS 28.15.201(g) is amended to read:

2 (g) Notwithstanding (d) of this section, a court revoking a driver's license,
3 privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the
4 department when revoking a driver's license, privilege to drive, or privilege to obtain a
5 license under AS 28.15.165(c), may grant limited license privileges if

6 (1) the revocation was for a felony conviction under AS 28.35.030;

7 (2) the person is participating in and has successfully participated for
8 at least six months in, or has successfully completed, a court-ordered treatment
9 program under AS 28.35.028, and submits verification acceptable to the department;

10 (3) the person provides proof of insurance as required by AS 28.20.230
11 and 28.20.240;

12 (4) the person is required to use an ignition interlock device during the
13 period of the limited license whenever the person operates a motor vehicle in **an area**
14 [A COMMUNITY] not included in the list published by the department under
15 **AS 28.10.011(b)** [AS 28.22.011(b)] and, when applicable,

16 (A) the person provides proof of installation of the ignition
17 interlock device on every vehicle the person operates;

18 (B) the person signs an affidavit acknowledging that

19 (i) operation by the person of a vehicle that is not
20 equipped with an ignition interlock device is subject to penalties for
21 driving with a revoked license;

22 (ii) circumventing or tampering with the ignition
23 interlock device is a class A misdemeanor; and

24 (iii) the person is required to maintain the ignition
25 interlock device throughout the period of the limited license, to keep
26 up-to-date records in each vehicle showing that any required service
27 and calibration is current, and to produce those records immediately on
28 request;

29 (5) the person has not previously been granted a limited license under
30 this section and had the license revoked under (j) of this section.

31

1 * **Sec. 5.** AS 28.22.011(a) is amended to read:

2 (a) The operator or owner of a motor vehicle subject to registration under
3 AS 28.10.011 when driven on a highway, vehicular way or area, or on other public
4 property in the state, shall be insured under a motor vehicle liability policy that
5 complies with this chapter or a certificate of self-insurance that complies with
6 AS 28.20.400 unless

7 (1) the **noncommercial** motor vehicle is being driven or moved **in an**
8 **area included on the list published by the department under AS 28.10.011(b)** [ON
9 A HIGHWAY, VEHICULAR WAY, OR A PUBLIC PARKING PLACE IN THE
10 STATE THAT IS NOT CONNECTED BY A LAND HIGHWAY OR VEHICULAR
11 WAY TO

12 (A) THE LAND-CONNECTED STATE HIGHWAY
13 SYSTEM, OR

14 (B) A HIGHWAY OR VEHICULAR WAY WITH AN
15 AVERAGE DAILY TRAFFIC VOLUME GREATER THAN 499]; and

16 (2) the operator has not been cited within the preceding five years for a
17 traffic law violation with a demerit point value of six or more on the point schedule
18 determined under regulations adopted by the department under AS 28.15.221.

19 * **Sec. 6.** AS 28.35.030(t) is amended to read:

20 (t) Notwithstanding (b) or (n) of this section, the court shall waive the
21 requirement of the use of an ignition interlock device when a person operates a motor
22 vehicle in **an area** [A COMMUNITY] included on the list published by the
23 department under **AS 28.10.011(b)** [AS 28.22.011(b)].

24 * **Sec. 7.** AS 28.35.032(t) is amended to read:

25 (t) Notwithstanding (g) or (p) of this section, the court shall waive the
26 requirement of the use of an ignition interlock device when a person operates a motor
27 vehicle in **an area** [A COMMUNITY] included on the list published by the
28 department under **AS 28.10.011(b)** [AS 28.22.011(b)].

29 * **Sec. 8.** AS 28.22.011(b) is repealed.