

# Sectional Analysis for SCSCSHB 4 (FIN) Motor Vehicles & Drunk Driving

*An Act relating to motor vehicles and to operating a motor vehicle, aircraft, or watercraft; and providing for an effective date.*

**Released:** May 6, 2002  
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- Section 1:** Finding and intent section.
- Section 2:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 3:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 4:** Adds new subsection setting forth that the presumptive sentence for manslaughter as a result of driving while under the influence of an alcoholic beverage, inhalant or controlled substance is seven years.
- Section 5:** Changes references from driving while "intoxicated" to driving "while under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 6:** Adds new section permitting municipalities to adopt local ordinances concerning municipal impoundment and forfeiture for: drunk driving; refusal to submit to chemical test; driving while license canceled, suspended, revoked, or in violation of a limitation; or driving without insurance. Municipality may include a fee for administrative costs and the municipal law may be more stringent than or the same as state law.
- Section 7:** Requires the department of administration to refuse to register a vehicle if the applicant fails to register the vehicle using the applicant's full first, middle, and last name or a business name.
- Section 8:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance"
- Section 9:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."

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- Section 10:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 11:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of the commercial motor vehicle implied consent law.
- Section 12:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 13:** Amends minimum periods of license revocation to reflect references to new provisions in AS 28.35.030(n)(3) and 28.35.032(p)(3).
- Section 14:** Requires that the court shall furnish the Division of Motor Vehicles with information on a driving conviction within five working days.
- Section 15:** Requires a person who loses their driver's license for DUI or refusal to submit to a chemical test to meet the alcoholism screening, evaluation, referral, and program requirements under AS 28.35.030(h) imposed under AS 28.15.181(a)(5) or (8) in order to have license reissued.
- Section 16:** Requires that at the end of the revocation period or limitation period for a driver's license a person may apply for issuance of a new license and shall provide the Court or the Department with documentation that the person has met the alcoholism screening, evaluation, referral, and program requirements of an alcohol safety action program.
- Section 17:** Doubles driver's license reinstatement fees for those convicted of DUI or refusal.
- Section 18:** Amends the driving while license suspended, revoked, or cancelled to add language regarding discretionary vehicle forfeiture.
- Section 19:** Amends motor vehicle insurance laws by requiring proof of financial responsibility for varying lengths of time depending on the number of times a person has been convicted or driving under the influence.
- Section 20:** Adds anew section concerning proof of insurance to be carried and exhibited on demand. Indicates that a person charged under this section may not be convicted if the person produces proof of motor vehicle liability insurance previously issued that was valid at the time of the person's arrest or citation. Permits a municipality to adopt a local ordinance concerning a decal indicating compliance with law. Defines "proof".

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- Section 21:** Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 22:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of the commercial motor vehicle implied consent law. Also changes references to "driving while intoxicated" to while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 23:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of the commercial motor vehicle implied consent law.
- Section 24:** In commercial motor vehicle section, changes "intoxicated" to "under the influence of an alcoholic beverage". Changes references from "intoxicating liquor" to "alcoholic beverage".
- Section 25:** Changes "intoxicating liquor" to "an alcoholic beverage".
- Section 26:** Changes references from "intoxicated" to while "under the influence of an alcoholic beverage, inhalant or controlled substance".
- Section 27:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Adds "an alcoholic beverage" and "inhalant" to list of items that constitutes crime of driving while "under the influence of an alcoholic beverage, inhalant or controlled substance".
- Section 28** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Changes the fine for misdemeanor DUI. Adds watercraft to list of items that may be forfeited. Permits court to order person, while incarcerated or on probation or parole, to take a drug or combination of drugs intended to prevent consumption of an alcoholic beverage.
- Section 29:** Changes law to establish that treatment providers must provide the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. Such information may only be used in connection with court proceedings involving the defendant's treatment and is otherwise confidential.
- Section 30:** Increases the limit imposed on the cost of imprisonment required to be paid by a person convicted of DUI. Clarifies where imprisonment may be served for misdemeanor DUIs, including electronic monitoring.

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- Section 31:** Felony DUI section. Increases the fines for a conviction under this section. Mandates vehicle forfeiture. Permanently revokes driver's license, subject to restoration privileges set forth under Section 32. Revokes vehicle registration for all vehicles owned by the person convicted. Permits a co-owner to register the vehicle in that person's name.
- Section 32:** Adds definition for "inhalant".
- Section 33:** Adds provisions relating to restoration of a driver's license following a DUI conviction. Establishes that court may suspend, upon successful completion of a court-ordered program (1) up to 75% of the mandatory minimum sentence; and (2) up to 50% of the minimum fines. Establishes that this does not apply to a person who has already participated in a court-ordered program two or more times. Describes what constitutes "court-ordered" treatment. Designates the Director of the Division of Motor Vehicles or designee as a person eligible to request and receive criminal justice information.
- Section 34:** Makes technical amendments relating to implied consent law. Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of the implied consent law.
- Section 35:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for the purposes of administering a breath test under the implied consent law.
- Section 36:** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of administering a breath or blood test under the implied consent law when there is a motor vehicle accident that causes death or serious physical injury.
- Section 37:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 38:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 39:** Changes refusal section to mirror DUI section on fines for misdemeanors. Provides that court may order a person, while incarcerated or as condition of probation or parole, to take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage.

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- Section 40:** Changes refusal section to mirror DUI section on treatment. Changes law to establish that treatment providers must provide the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. Such information may only be used in connection with court proceedings involving the defendant's treatment and is otherwise confidential.
- Section 41:** Technical amendment to AS 28.35.032(j).
- Section 42:** Changes refusal section on imprisonment costs to mirror DUI section. Increases the limit imposed on the cost of imprisonment required to be paid by a person convicted of refusal. Clarifies where imprisonment may be served and use of electronic monitoring system.
- Section 43:** Changes refusal section on felony charges to mirror DUI section. Increases the fines for felony refusal. Mandates vehicle forfeiture. Permanently revoke driver's licenses, subject to restoration privileges under Section 44. Revokes vehicle registration for all vehicles owned by the person convicted. Permits a co-owner to register the vehicle in that person's name.
- Section 44:** Changes refusal section on driver's license revocation to mirror DUI section. Adds provisions relating to restoration of a driver's license. . Establishes that court may suspend, upon successful completion court-ordered treatment program: (1) up to 75% of mandatory minimum sentence; and (2) up to 50% of the minimum fines. Establishes that reduced fines and sentences not available for those who have participated in a court-ordered treatment program two or more times. Defines "court-ordered treatment". Establishes that Director of Division of Motor Vehicles may request and receive criminal justice information in order to carry out the license restoration provisions.
- Section 45:** Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage or controlled substance."
- Section 46:** Requires the police to inform a person undergoing a chemical test for intoxication of their right to have an independent chemical test and requires the department to make reasonable and good-faith efforts to assist the person to obtain an independent test.
- Section 47:** Changes reference to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."
- Section 48:** Changes language concerning forfeiture of vehicle or aircraft, including description of what "disposal" methods may be used.

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- Section 49:** Amends remission of forfeitures statutes to include watercraft.
- Section 50:** Amends definition of "alcohol safety action program".
- Section 51** Changes driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant, or controlled substance".
- Section 52:** Permits the Department of Health and Social Services to develop, implement, and designate an alcohol safety action program.
- Section 53:** Adds standards for alcohol safety action programs to current statute.
- Section 54:** Adds requirements concerning approval of and inspection of alcohol safety action programs.
- Section 55:** Repeals AS 28.35.038 (municipal impoundment and forfeiture) as is covered elsewhere in this legislation. See Section 6.
- Section 56:** Establishes a pilot drunk driver treatment program within the Department of Corrections for July 1, 2002 to June 30, 2007. Requires report from the Department to the Legislature by January 1, 2005.
- Section 57:** Applicability section.
- Section 58:** Effective date is July 1, 2002.

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