

CLERK'S OFFICE

APPROVED

Date: 2-12-02

Submitted by: Assemblymembers FAIRCLOUGH, Clementson,
Taylor, Tesche, Shamberg, Sullivan, Traini

Prepared by: Department of Assembly

For reading: February 12, 2002

ANCHORAGE, AK

AR NO. 2002- 55

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING SCS CSHB 4 (JUD), "AN ACT RELATING TO OFFENSES INVOLVING OPERATING A MOTOR VEHICLE, AIRCRAFT, OR WATERCRAFT WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE OR CONTROLLED SUBSTANCE; RELATING TO IMPLIED CONSENT TO TAKE A CHEMICAL TEST; RELATING TO REGISTRATION OF MOTOR VEHICLES; RELATING TO PRESUMPTIONS ARISING FROM THE AMOUNT OF ALCOHOL IN A PERSON'S BREATH OR BLOOD; AND PROVIDING FOR AN EFFECTIVE DATE."

WHEREAS, although Alaska's drunk driving laws are some of the toughest within the United States, communities continue to be faced with the results of habitual drunk drivers; and

WHEREAS, poor judgement and chemical dependency are the primary causes of drinking and driving which results in death, injury, and maimed Alaskans inducing grief, pain, suffering, and economic loss; and

WHEREAS, the Public Services Research Institute statistics report that the average 1998 alcohol-related fatality in Alaska cost \$5.1 million (\$1.7 million in monetary costs and \$3.4 million in quality of life losses), while the average 1998 injured survivor experienced \$126,000 in costs (\$52,000 in monetary costs and \$74,000 in quality of life losses); and

WHEREAS, SCS CSHB 4 (JUD) increases fines and jail time; lowers the blood alcohol content limit from .10 to .08; mandates treatment for prisoners; deletes the five-year lookback provision while phasing in a ten-year lookback; provides for discretionary immobilization or forfeiture of the vehicle on the second offense and forfeiture on third and subsequent offenses; requires seizure of license plates; and increases fees, fines, and cost caps in various areas of the law to enhance revenue to offset associated costs; and

WHEREAS, public outcry resulted in the establishment of the Municipality of Anchorage's DUI Task Force and many of its recommendations are included in SCS CSHB 4 (JUD); and


WHEREAS, it is a legislative obligation to send a strong message to the irresponsible citizens that live in our communities that "driving while under the influence" will not be tolerated.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1: That this body supports and urges passage of SCS CSHB 4 (JUD) which creates Omnibus Drunk Driving Amendments and the toughest set of driving under the influence ("DUI") laws in the country.

Section 2: That copies of this resolution be forwarded to the Governor and the Alaska State Legislature immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 12 day of February, 2002,


Chair

ATTEST:


Municipal Clerk



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22nd Alaska State Legislature

Information from Representative Norman Rokeberg (R)



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Do you
Alaska
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Yes
No

Discuss
Alaska
Driving

More

Sectional Analysis for SCS CSHB 4 (JUD)

Omnibus Drunk Driving Amendments

An Act relating to offenses involving operating a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage or controlled substance; relating to implied consent to take a chemical test; relating to registration of motor vehicles; relating to presumptions arising from the amount of alcohol in a person's breath or blood; and providing for an effective date.

Updated: May 7, 2001

Contact: Janet Seitz, Legislative Aide to Representative Norman Rokeberg,
at (907) 465-4968

Prepared By: Representative Norman Rokeberg

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"

House
Rokeberg
[Bill](#)

Drunk
Work

Alcohol
Prevention
Becoming

CSHB
Highlights
[\[PDF\]](#) -

Read
Version
[\[PDF\]](#) -

Compare
Fines
those
CSHB
[\[PDF\]](#) -

Final
Task
Anchorage
[\[PDF\]](#) -

Impaired
Alaska

substance."	• Partnership An Implementation Guide
Section 6: Requires the department of administration to refuse to register a vehicle if the applicant fails to register the vehicle using the applicant's first, middle, and last name or a business name.	• Fake Troubleshooting
Section 7: Adds new subsection concerning seizure of registration plates resulting from chemical sobriety tests and refusals to submit to tests. Such seizure tracks with driver's license suspension or revocation. Also contains provisions for co-owner to obtain registration plates for vehicles. Protects leased, rented, or borrowed vehicles from license plate seizure.	• Ward DWI L
Section 8: Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance"	• Therapeutic Measures
Section 9: Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."	Drunk Driving Program House
Section 10: Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."	• Murphy's Alcohol
Section 11: Adds references to motor vehicle plate seizure to notice provisions.	• Rep. (Uniform Traffic Times
Section 12: Adds references to motor vehicle plate seizure to request for review of department's action provisions.	• National Traffic Administration
Section 13: Adds reference to motor vehicle registration plate provisions to temporary permit provisions.	OmniL Amen
Section 14: 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.	• Reduced DWI
Section 15: Changes references from driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."	• No City Trans
Section 16: Amends minimum periods of license revocation to reflect references to new provisions in AS 28.35.030(n)(3) and AS 28.35.032(p)(3) .	• Liquor Application Training
Section 17: Requires that the court shall furnish the Division of Motor Vehicles with information on a driving conviction within five working days.	• Restoration License
Section 18: Technical amendment relating to the authority of the court to grant limited driver's license privileges following a conviction for DUI.	• Offense Under
Section 19: Requires a person who loses their driver's license for DUI or refusal to take a breath test to meet the alcoholism screening, evaluation, referral, and program requirements under AS 28.35.030(h) imposed under	Should know inform

AS 28.15.181(a)(5) or (8) in order to have license reissued.

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Section 20: Doubles driver's license reinstatement fees for those convicted of DUI or refusal.

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Section 21: Amends the current statutes concerning persons who knowingly permit a motor vehicle to be driven by a person not validly licensed so that persons in fear of perpetrator of domestic violence may not be charged under this statute.

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Section 22: Changes references from driving while "intoxicated" to driving 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 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."

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Section 24: Repeals the phase "reasonable grounds" and replaces it with "probable cause" for the purposes of the commercial motor vehicle implied consent law.

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Section 25: In commercial motor vehicle section, changes "intoxicated" to "under the influence of an alcoholic beverage". Changes references from "intoxicating liquor" to "alcoholic beverage".

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Section 26: Changes "intoxicating liquor" to "alcoholic beverage".

Section 27: Changes references from "intoxicated" to 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." 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". Reduces the legal limit for being intoxicated from 0.10 to 0.08 percent of alcohol in a person's blood.

Section 29: Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance." Changes the penalties (sentence and fine) for misdemeanor DUI Adds watercraft to list of items that may be forfeited. On second offense provides discretionary vehicle forfeiture OR immobilization. On third and subsequent, provides discretionary vehicle forfeiture.

Section 30: 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 31: Establishes limit imposed on cost of treatment required to be paid by a person convicted of DUI Specifies that, as much as possible,

treatment shall occur while incarcerated. Establishes that the cost of treatment must include at least \$150 for cost of alcohol safety action program if available. Permits state to seek reimbursement for treatment costs from permanent fund dividend. Establishes that subsection does not apply to costs of treatment incurred by a person as a result of treatment not required under this subsection.

Section 32: Increases the limit imposed on the cost of imprisonment required to be paid by a person convicted of DUI.

Section 33: Felony DUI section. Eliminates 5-year lookback and phases in a 10-year look back period and establishes that a person is guilty of a class C felony if convicted a third time since January 1, 1996, and within 10 years preceding the date of the offense. Increases the penalties for a conviction under this section, including jail time, fine, loss of driver's license, and forfeiture of the vehicle, watercraft or aircraft used in the offense. 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 34: Adds definition for "inhalant". Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."

Section 35: Adds provisions relating to restoration of a driver's license following a D.U.I conviction and relating to failure to satisfy alcoholism treatment requirements. Establishes procedure for surrender of registration plate for any vehicle registered or co-registered in convicted person's name. Establishes that court may suspend:

1. a portion of mandatory minimum sentence if persons successfully completes a therapeutic court program; and
2. up to 50% of the minimum fines. Designates the Director of the Division of Motor Vehicles or designee as a person eligible to request and receive criminal justice information.

Section 36: 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 37: 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 38: 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 39: Adds new section providing that the implied consent statute was not intended to prevent the police search warrants.

Section 40: Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."

Section 41: Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."

Section 42: Changes refusal section to mirror DUI section on fines and penalties for misdemeanors. Provides for discretionary forfeiture or immobilization for second offense. Establishes forfeiture for third offense.

Section 43: 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 44: Changes refusal section to mirror DUI section. Changes driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant, or controlled substance".

Section 45: Changes refusal section on treatment language to mirror DUI section. Establishes limit imposed on cost of treatment required to be paid by a person convicted of DUI Specifies that, as much as possible, treatment shall occur while incarcerated. Establishes that the cost of treatment must include at least \$150 for cost of alcohol safety action program if available. Permits state to seek reimbursement for treatment costs from permanent fund dividend. Establishes that subsection does not apply to costs of treatment incurred by a person as a result of treatment not required under this subsection.

Section 46: 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.

Section 47: Changes refusal section on felony charges to mirror DUI section. Phases in a 10-year lookback period and establishes that a person is guilty of a class C felony if convicted a third time since January 1, 1996, and within 10 years preceding the date of the offense. Increases the penalties for a conviction under this section, including jail time, fine, loss of driver's license. and forfeiture of the vehicle, watercraft or aircraft used in the offense. 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 48: Changes refusal section on driver's license revocation to mirror DUI section. Adds provisions relating to restoration of a driver's license following a DUI conviction and relating to failure to satisfy alcoholism treatment requirements. Establishes procedure for surrender of registration plate for any vehicle registered or co-registered in convicted person's name. Establishes that court may suspend:

1. a portion of mandatory minimum sentence if persons successfully completes a therapeutic court program; and
2. up to 50% of the minimum fines.

Section 49: Changes references to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage or controlled substance."

Also changes certain presumptions applicable to civil or criminal action involving a person alleged to have driven while under the influence of an alcoholic beverage or controlled substance.

Section 50: 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 51: Changes reference to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."

Section 52: Requires the court to order forfeiture of motor vehicle, aircraft, or watercraft used in committing a DUI. or refusal offense if this is a third conviction. Changes reference to driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant or controlled substance."

Section 53: Sets forth some examples of how the Department of Public Safety may dispose of a forfeited motor vehicle, watercraft or aircraft under the forfeiture provisions.

Section 54: Permits municipal ordinances concerning impoundment and forfeiture to include a fee for administrative costs.

Section 55: Amends definition of "alcohol safety action program".

Section 56: Changes driving while "intoxicated" to driving while "under the influence of an alcoholic beverage, inhalant, or controlled substance".

Section 57: Permits the Department of Health and Social Services to develop, implement, and designate an alcohol safety action program.

Section 58: Adds standards for alcohol safety action programs to current statute.

Section 59: Adds requirements concerning approval of and inspection of alcohol safety action programs.

Section 60: Applicability section.

Section 61: Effective date is July 1, 2001

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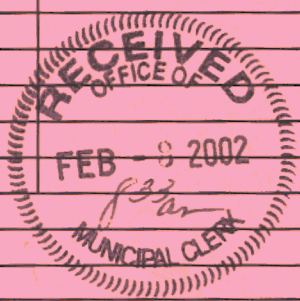
Attachments:

- **Sponsor Statement for HB 4**
- **Print Friendly Version**
Requires Adobe Acrobat Reader - 7 page(s) - 113 K
- **SCS CSHB 4 (JUD) Highlights**
Requires Adobe Acrobat Reader - 1 page(s) - 71 K

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

Answer 35

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT A Resolution Supporting SCS CSHB 4 (JUD)	DATE PREPARED 7-Feb-02																																																										
		Indicate Documents Attached <input type="checkbox"/> AO <input checked="" type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM																																																										
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Greg Moyer																																																										
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Emi Gray-Jackson	HIS/HER PHONE NUMBER 343-4751																																																										
4	COORDINATED WITH AND REVIEWED BY	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">INITIALS</th> <th style="width: 50%;">DATE</th> </tr> </thead> <tbody> <tr><td>Mayor</td><td></td></tr> <tr><td>Heritage Land Bank</td><td></td></tr> <tr><td>Merrill Field Airport</td><td></td></tr> <tr><td>Municipal Light & Power</td><td></td></tr> <tr><td>Port of Anchorage</td><td></td></tr> <tr><td>Solid Waste Services</td><td></td></tr> <tr><td>Water & Wastewater Utility</td><td></td></tr> <tr><td>Municipal Manager</td><td></td></tr> <tr><td>Cultural & Recreational Services</td><td></td></tr> <tr><td>Employee Relations</td><td></td></tr> <tr><td>Finance, Chief Fiscal Officer</td><td></td></tr> <tr><td>Fire</td><td></td></tr> <tr><td>Health & Human Services</td><td></td></tr> <tr><td>Office of Management and Budget</td><td></td></tr> <tr><td>Management Information Services</td><td></td></tr> <tr><td>Police</td><td></td></tr> <tr><td>Planning, Development & Public Works</td><td></td></tr> <tr><td>Development Services</td><td></td></tr> <tr><td>Facility Management</td><td></td></tr> <tr><td>Planning</td><td></td></tr> <tr><td>Project Management & Engineering</td><td></td></tr> <tr><td>Street Maintenance</td><td></td></tr> <tr><td>Traffic</td><td></td></tr> <tr><td>Public Transportation Department</td><td></td></tr> <tr><td>Purchasing</td><td></td></tr> <tr><td>Municipal Attorney</td><td></td></tr> <tr><td>Municipal Clerk</td><td></td></tr> <tr><td>Other</td><td></td></tr> </tbody> </table>	INITIALS	DATE	Mayor		Heritage Land Bank		Merrill Field Airport		Municipal Light & Power		Port of Anchorage		Solid Waste Services		Water & Wastewater Utility		Municipal Manager		Cultural & Recreational Services		Employee Relations		Finance, Chief Fiscal Officer		Fire		Health & Human Services		Office of Management and Budget		Management Information Services		Police		Planning, Development & Public Works		Development Services		Facility Management		Planning		Project Management & Engineering		Street Maintenance		Traffic		Public Transportation Department		Purchasing		Municipal Attorney		Municipal Clerk		Other	
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5	Special Instructions/Comments <div style="text-align: center; margin-top: 20px;"> <i>Addendum</i> <i>9B.7 Action</i> </div>																																																											
6	ASSEMBLY HEARING DATE REQUESTED 2/12/02	PUBLIC HEARING DATE REQUESTED 7																																																										