

2 AAC 70.110 is amended to read:

2 AAC 70.110. Contents of application for certificate of number. (a) An application submitted for a certificate of number must contain the following information:

(1) name of the owner **and owner identifier consisting of the owner's tax identification number or date of birth together with a driver's license number;**

(2) address of the owner, including zip code;

(3) state of principal **operation** [USE] for the boat;

(4) the boat number previously issued by the department or a similar agency in another state for the boat, if applicable;

(5) whether the application is for a new number, renewal of a number, or transfer of ownership;

(6) whether **the primary operation of the boat** is [USED] for pleasure, rent or lease, boat dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use;

(7) make of boat;

(8) year boat was manufactured or model year;

(9) manufacturer's hull identification number [IF APPLICABLE];

(10) overall length of boat;

(11) whether the **vessel type** [BOAT] is an **air boat, auxiliary sail**, open **motorboat** [BOAT], cabin **motorboat** [CRUISER], houseboat, **inflatable boat**, **paddlecraft, personal watercraft, pontoon boat, rowboat, sail only**, or other type;

(12) whether the hull **material** is wood, steel, aluminum, fiberglass, plastic, **rubber, vinyl, canvas** or other;

(13) whether the propulsion **type** is **air thrust, manual, propeller**[INBOARD, OUTBOARD, INBOARD-OUTDRIVE], sail, **water jet** or other;

(14) whether the engine drive type is inboard, outboard, pod drive, sterndrive, or other;

(15) whether the fuel is gasoline, diesel, **or electric** [OTHER];

(16)[(15)] the signature of the owner;

(17) [(16)] any other information that the department determines is reasonably required.

(b) A boat dealer or manufacturer submitting an application for a boat number that will be temporarily affixed to a boat for demonstration purposes does not need to submit the information specified in (a)(7) - (14) of this section.

(c) A person submitting an application to register a boat without mechanical propulsion does not need to submit the information specified in (a)(13) and (14) of this section.

(d) In addition to the information required under (a) of this section, an owner applying for a new certificate of number or a transfer of a certificate of number must submit one of the following documents: (1) manufacturer statement of origin; (2) carpenter's certificate; (3) bill of sale from boat dealer or previous owner; (4) title or registration from previous state; (5) affidavit of ownership.

(Eff. 2/3/2001, Register 157; am ___/___/_____, Register ___)

Authority: AS 05.25.055 AS 05.25.095

2 AAC 70.140 is amended to read:

2 AAC 70.140. Contents of certificate of number. (a) Except as provided in (b) - (d) of this section, a certificate of number will contain the following information:

- (1) number issued to the boat;
- (2) expiration date of the certificate;
- (3) state of principal use;
- (4) name of the owner;
- (5) address of owner, including zip code;

(6) whether **the primary operation of the boat** is [USED] for pleasure, rent or lease, boat dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use;

(7) manufacturer's hull identification number, if applicable;

(8) make **and model** of boat;

(9) year boat was manufactured or model year;

(10) overall length of boat;

(11) whether the vessel **type** is an **air boat, auxiliary sail, open motorboat** [BOAT], cabin **motorboat** [CRUISER], houseboat, **inflatable boat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only** or other type;

(12) hull material;

(13) whether the propulsion **type**, if powered, is **air thrust, manual, propeller** [INBOARD, OUTBOARD, INBOARD-OUTDRIVE], [OR] sail, **water jet or other**;

(14) whether the engine drive type is inboard, outboard, pod drive, sterndrive, or other;

(15)[(14)] whether the fuel is gasoline, diesel, or **electric** [OTHER].

(b) The department may exclude the information specified in (a)(8)-(15) of this section from a certificate of number issued to a vessel that has a manufacturer's hull identification

number assigned if the manufacturer's hull identification number is plainly marked on the certificate.

(c) The department may exclude the information specified in (a)(7)-(15) of this section from a certificate of number issued to a boat dealer or manufacturer to be used on a boat for demonstration purposes if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(d) A certificate of number issued to a boat without mechanical propulsion will not include the information specified in (a)(13) and (14) of this section.

(Eff. 2/3/2001, Register 157; am ___/___/_____, Register ___)

Authority AS 05.25.055 AS 05.25.095

2 AAC 90.015 is amended to read:

2 AAC 90.015. Application for school bus driver endorsement. (a) The department will issue a school bus driver endorsement to an applicant who meets the requirements of AS 28.15.046 and this section.

(b) An applicant for an original school bus driver endorsement must submit to the department

- (1) a completed application on a form prescribed by the department;
- (2) verification of passing the examinations required under 2 AAC 90.020;
- (3) verification that the applicant has a valid Alaska driver's license and meets the licensing requirements of AS 28.15.046(b)(2);
- (4) a medical examiner's certificate issued under the authority of 49 C.F.R. [391.41](#);
- (5) **one** [TWO] **set** [SETS] of the applicant's fingerprints as prescribed by the department, including the fees required by the Department of Public Safety, as required under AS 28.15.046(b)(4);
- (6) a form certifying successful completion of a state-approved school bus driver training course under 4 AAC 27.230.

(Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am ____/____/_____, Register ____)

Authority AS 28.05.011 AS 28.05.041 AS 28.15.041 AS 28.15.046

2 AAC 90.210 is amended to read:

2 AAC 90.210. Classes of licenses; endorsements. (b) The classification of driver's licenses, and the class of license that is required to operate a motor vehicle, is

(2) for non-commercial motor vehicles, as follows:

(A) Class D - a motor vehicle, motor-driven cycle, all-terrain vehicle (ATV), snowmachine, or a combination of a motor vehicle and one or more other vehicles that is not (i) a commercial motor vehicle; or (ii) a motor vehicle for which a Class M1 license is required;

(B) Class M1 - motorcycles, motor-driven cycles, and motorized bicycles with [OVER] 50 cc **or more** engine displacement, singly or in combination with trailers or sidecars designed to be used with these vehicles;

(C) Class M2 – **less than** [UNDER] 50 cc engine displacement or less motor-driven cycles and motorized bicycles, instruction permit for Class M1;

(D) Class IM - instruction permit issued under AS 28.15.051(a) for a Class D, Class M1, or Class M2 vehicle;

(E) Class IP - instruction permit issued under AS 28.15.051(a) for a class D vehicle;

(F) Class IE - instruction permit issued under AS 28.15.051(b);

(G) Class R - snowmobiles and all-terrain vehicles (ATV) designed for off highway use but allowed to operate on public roads by communities through an ordinance conforming with AS 28.01.010(a).

(H) Class M3 - three-wheeled motorcycles, three-wheeled motor-driven cycles, and three-wheeled motorized bicycles with [OVER] 50 cc **or more** engine

displacement, singly or in combination with a trailer designed to be used with these vehicles.

(Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 10/10/2014, Register 212; am ___/___/_____, Register ____)

Authority AS 28.05.011 AS 28.05.041 AS 28.15.046 AS 28.33.100

2 AAC 90.230 is amended by adding a new subsection to read:

(f) a driver required to install and use an ignition interlock device under AS 28.35.030 or AS 28.35.032 shall have their limited license canceled upon conviction by the court under AS 11.76.140 or when evidence is received that the device has not been calibrated, monitored or maintained as required under 22 AAC 15.045 until they once again meet the licensing requirements.

(Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 10/10/2014, Register 212; am ___/___/_____, Register ____)

Authority: AS 28.05.011 AS 28.15.161 AS 28.15.165 AS 28.15.201 AS 28.33.140

2 AAC 90.250 is amended to read:

2 AAC 90.250. Commercial driver's licenses. (a) The following provisions of 49 C.F.R. Part [383](#) (commercial driver's license standards; requirements and penalties), revised as of **November 4, 2016** [OCTOBER 1, 2013], are adopted by reference, except as provided in (b) of this section:

(1) 49 C.F.R. [383.23](#) (Commercial driver's license)

(2) 49 C.F.R. [383.25](#) (Commercial learner's permit)

(3) 49 C.F.R. [383.31](#) (Notification of convictions for driver violations)

(4) 49 C.F.R. [383.51](#) (Commercial motor vehicle groups)

(5)[(1)] 49 C.F.R. [383.53](#) (penalties);

(6)[(2)] 49 C.F.R. [383.71](#) (driver application and certification procedures);

(7) [(3)] 49 C.F.R. [383.73](#) (state procedures);

(8) [(4)] 49 C.F.R. [383.75](#) (third party testing);

(9) [(5)] 49 C.F.R. [383.77](#) (substitute for driving skills tests for drivers with military CMV experience);

(10) [(6)] 49 C.F.R. [383.95](#) (restrictions);

(11) [(7)] 49 C.F.R. [383.110 - 383.123](#) (Subpart G: required knowledge and skills) and the appendix to Subpart G; (8) 49 C.F.R. [383.135](#) (passing knowledge and skills tests).

(b) The federal regulations in 49 C.F.R. Part [383](#) that are adopted by reference in (a) of this section are revised as follows:

(1) the lead-in of 49 C.F.R. [383.71](#)(c) is revised to read: "~~(c)~~[(b)] License transfer. When applying to transfer a CDL from one state of domicile to this state, an applicant shall apply for a CDL from this state within no more than 30 days after establishing the applicant's new domicile. The applicant shall:";

(2) in 49 C.F.R. [383.71](#)~~(c)~~[(b)], "new State of domicile" is revised to read "the division";

(6) the lead-in of 49 C.F.R. [383.73](#)~~(c)~~[(b)] is revised to read: "(b) License transfers. Before issuing a CDL to a person who has a CDL from another state, the division shall:";

(Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 6/27/2014, Register 210; am 10/10/2014, Register 212; am __/__/____, Register ____)

Authority: AS 28.05.011 AS 28.15.041 AS 28.15.051 AS 28.33.100

2 AAC 90.250(b)(3) is repealed:

(3) repealed __/__/____;

(Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 6/27/2014, Register 210; am 10/10/2014, Register 212; am __/__/____, Register ____)

Authority: AS 28.05.011 AS 28.15.041 AS 28.15.051 AS 28.33.100

2 AAC 90.250(b)(4) is repealed:

(4) repealed ____/____/____;

(Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 6/27/2014, Register 210; am 10/10/2014, Register 212; am ____/____/____, Register ____)

2 AAC 90.310 is amended to read:

2 AAC 90.310. Demerit point schedule. (a) For the purposes of administratively identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic laws and in order to identify problem drivers, in addition to any demerit points established in AS 28, the following offenses are given the corresponding numerical weights upon conviction:

Point Offense or Type of Offenses Value

(1) except as provided in (2) of this subsection, driving while license cancelled, suspended, or revoked, or in violation of license limitation
..... 10

(2) driving a commercial motor vehicle while commercial driver's license is disqualified, cancelled, suspended, revoked, or in violation of a license limitation..... 10

(3) except as provided in (4) of this subsection, driving while intoxicated or driving under the influence.....	10
(4) driving or operating a commercial motor vehicle while intoxicated or while under the influence.....	10
(5) refusal to submit to chemical test.....	10
(6) reckless driving	10
(7) speed contest - racing	10
(8) assault with vehicle	10
(9) fleeing or attempting to elude a peace officer	10
(10) negligent homicide or manslaughter with a vehicle	10
(11) leaving scene of crash	9
<u>(12) use of electronic devices while driving.....</u>	6
<u>(13)</u> [(12)] negligent driving	6
<u>(14)</u> [(13)] minor operating a motor vehicle, aircraft, or watercraft after consuming alcohol.....	6
<u>(15)</u> [(14)] failure to provide proof of liability insurance as required by AS 28.22	6
<u>(16)</u> [(15)] failure to yield right-of-way to authorized emergency vehicle.....	6

(17) [(16)] failure to stop for school bus while bus is loading or
unloading..... 6

(18) [(17)] failure to obey official traffic control device in school zone,
playground crosswalk, or park..... 6

(19) [(18)] driving a commercial motor vehicle after being ordered out of service
under 49 C.F.R. [396.9\(c\)](#) or AS 28.33.130(c)
..... 6

(20) [(19)] speeding:

in school zone or playground crosswalk 6

3 - 9 miles per hour over speed limit 2

10 - 19 miles per hour over speed limit 4

20 or more miles per hour over speed limit ... 6

(21) [(20)] violation of oversize or overweight permit, pertaining to restriction on
speed:

3 - 9 miles per hour over speed limit 2

10 - 19 miles per hour over speed limit 4

20 or more miles per hour over speed limit ... 6

pertaining to hours of operation: 3

(22) [(21)] careless driving	4
(23) [(22)] following too closely	4
(24) [(23)] failure to stop or yield	4
(25) [(24)] all other offenses not specified in the subsection.....	2

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ____)

Authority: AS 28.05.011 AS 28.15.221

2 AAC 90.420 is amended to read:

2 AAC 90.420. Application for driver's license. (a) An application for a driver's license must be made on the form prescribed and provided by the department. The application will include questions concerning the applicant's eligibility for a license, including the existence of a physical or mental disability that may impair the ability of the applicant to operate a motor vehicle safely. If the applicant's answers to these questions indicate the existence of a physical or mental disability that may affect the safe operation of a motor vehicle by the applicant, the department may require an examination of the applicant by a licensed physician, psychiatrist, optometrist, or other competent medical authority before issuance of a driver's license. The expense of the examination must be paid by the applicant. The results of an examination within the previous six months meets the requirement of this subsection, unless the condition began or changed since that examination was conducted. If the applicant seeks a commercial driver's license, a valid

medical certificate is required in accordance with 49 C.F.R. [383.71](#), adopted by reference in 2 AAC 90.250.

(b) An applicant for an original driver's license must furnish valid documentary proof of the applicant's date of birth, **lawful status in the United States**, and one form of identification to verify the applicant's full legal name. The form of identification for proof of date of birth and full legal name must consist of one of the following:

(1) a certified original or certified copy of the applicant's United States birth certificate;

(2) a United States passport or passport card issued by the United States Department of State;

(3) a foreign passport with the appropriate Immigration Status forms, issued by the United States Department of Homeland Security, United States Citizenship and Immigration Service;

(4) a resident alien, temporary resident alien, or employment work authorization document issued by the United States Department of Homeland Security, United States Citizenship and Immigration Service;

(5) a United States armed forces active duty, retiree, or reservist, or **dependent** identification;

(6) other evidence of comparable validity; in this paragraph, "evidence of comparable validity" includes items such as a United States government issued Consular Report of Birth Abroad or a court order.

(c) An applicant must provide a second form of identification as verification of the primary document presented. If the applicant has had a name change, the applicant must also provide legal documentation, determined acceptable by the department, to verify the name change. An applicant must provide a translation to English of any document that is not written in English.

(d) An applicant for an original, duplicate, or renewal of a driver's license or identification card who is eligible **for [TO BE] and has been** assigned and a social security number must present the applicant's valid social security number for department verification with the information on file with the United States Social Security Administration database. If an applicant is ineligible to be assigned a social security number, the applicant must prove ineligibility by presenting documents that are issued by the United States Social Security Administration, the United States Department of Homeland Security, or other federal agencies or state or federal courts, and that demonstrate that the applicant is ineligible to be assigned a social security number.

(e) An applicant for an original license must present documentation, acceptable to the department, that contains both the applicant's name and address of principal residence.

(f) The department may require that the applicant surrender the applicant's previously issued driver's license to the department at the time of issuance or renewal of a driver's license.

(g) If an applicant's driving privileges are under suspension or revocation in another jurisdiction, proof must be received from that jurisdiction showing that the suspension or revocation has terminated before issuance of a driver's license in this state.

(h) An applicant for an original license, or renewal of a license that has expired for more than one year, **must furnish documentary proof of lawful status in the United States**, and take the vision and knowledge tests. Unless the applicant is eligible for a waiver under (j), (l), or (n) of this section, a road test must be taken by an applicant for an original license, to remove an off highway restriction, or by an applicant whose previous license was expired, suspended, revoked, or cancelled. A test will be conducted as follows:

(1) the vision test will be conducted each time the applicant applies for a driver's license;

(2) the knowledge test will be conducted when the applicant applies for a driver's license; if the applicant does not pass the knowledge test the first time, the applicant may retake the test the following day; if the applicant does not pass the second, third, and subsequent tests, the department may continue to allow the applicant to retake the test once per day until the applicant passes the test; the following standards apply to the use of aids in taking the knowledge test:

(A) an applicant for a driver's license who has difficulty reading may have another person read the test questions orally to the applicant; an applicant for a non-commercial driver's license who does not comprehend the English language may have another person translate and read the test questions orally to the applicant; a reader may not aid an applicant in

answering or attempting to answer the test questions; a reader who assists an applicant with determining the correct answers to the test questions will be disqualified from acting as a reader for a minimum of six months;

(B) an applicant may not use a cell phone, text messaging, crib notes, hand signals, the driver's manual, or other types of assistance while taking the knowledge test; an applicant who uses a reader that is disqualified under (A) of this paragraph or uses other aids to determine the correct answers to the test questions will be disqualified from testing for seven days;

(3) the department may conduct the first road test when the applicant satisfactorily meets all other requirements; a second road test will be conducted at least one week after the first test if the department determines it is necessary; further testing will be at the department's discretion and the department may require proof that additional driver training has been completed; the department will not refund a road test fee if the applicant cancels an appointment for a road test later than 72 hours before the time scheduled for the test, fails to appear for the scheduled road test, fails the road test due to an unsafe vehicle, carries improper registration, or lacks proof of insurance for the vehicle being used for testing.

(i) An applicant for renewal of a driver's license must **furnish documentary proof of lawful status in the United States**, take the vision test unless renewing under AS 28.15.101(c), and must meet requirements set out in 2 AAC 90.440(f).

(j) The department will waive the road test requirement of this section for an applicant for an original or renewal of a driver's license if the

(1) applicant previously possessed the same class of driver's license under **AS 28.15.041** or a similar statute of another state or territory of the United States or a province of Canada **or a province of the Republic of Korea**; and

(2) driver's license was expired, suspended, revoked, disqualified, or cancelled for less than five years from the current date of application.

(k) The department may waive the motorcycle skills test for an applicant who submits to the department proof of the applicant's successful completion of a Motorcycle Safety Foundation Course **or another motorcycle safety program or course acceptable to the department**.

(l) The department will waive the road test, permit, and provisional requirements in this section for a Class R license.

(m) An applicant for an identification card must provide the same documentary evidence as required in (a) - (f) of this section. **Unless otherwise provided by this section an identification card issued under AS 18.65.310 will expire and be renewed as in AS 28.15.101, with the exception of the vision test and AS 28.15.101(c)(2).**

(n) An applicant with military commercial motor vehicle experience who seeks a commercial driver's license may request, in accordance with 49 C.F.R. [383.77](#), adopted by reference in [2 AAC 90.250](#), a waiver from a skills test required under 49 C.F.R. [383.113](#), adopted by reference in [2 AAC 90.250](#), or from a skills test required under this chapter.

(o) Successful knowledge test and road test results are valid for one year, except if the department determines that a road test is necessary as part of re-examination under [2 AAC 90.450](#).

(p) An applicant seeking to have a veteran designation under [AS 18.65.310\(l\)](#) or [AS 28.15.111\(c\)](#) added to the applicant's driver's license or identification card must present

(1) a true and correct copy of a certificate of release or discharge from active duty on United States Department of Defense form DD-214 or DD-215;

(2) a true and correct copy of a report of separation and record of service on United States National Guard Bureau form NGB-22;

(3) a letter signed by a representative of the United States Department of Veterans Affairs identifying the applicant as a retired veteran or a veteran who was discharged under honorable conditions; or

(4) a valid military identification card identifying the applicant as a retired veteran or a veteran who was discharged under honorable conditions.

(q) If the applicant seeks reinstatement of a driver's license that was limited, suspended, or revoked under [AS 28.15](#), the proof of financial responsibility required under [AS 28.15.211\(e\)](#) and [AS 28.20](#) may not be dated earlier than 30 days before the date of reinstatement.

(r) An identification card may be renewed by mail more than one time provided:

(1) the Division has received verification of the medical necessity and inability of the card holder to come to a Division office to be issued an identification card.

(2) a person who is physically unable to apply for an identification card at a Division office may be issued an identification card when a digital photo of the individual is on file with the Division.

(s) An applicant for an original or renewal of a driver's license or identification card, whose authorized stay in the United States is temporary, shall be issued a license or identification card for the remainder of their defined stay, but not to exceed 8 years. If the period of authorized stay is indefinite the department may issue a license or identification card valid for a period not to exceed 1 years.

(Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 6/27/2014, Register 210; am ___/___/_____, Register ____)

Authority:	AS 18.65.310	AS 28.05.011	AS 28.15.041
	AS 28.15.081	<u>AS 28.15.101</u>	AS 28.15.111
	AS 28.15.211		

2 AAC 90.990 is amended by adding new subsection to read:

(22) “Lawful Status” A person in lawful status is a citizen or national of the United States; or an alien: lawfully admitted for permanent or temporary residence in the United States; with conditional permanent resident status in the United States; who has an approved application for asylum in the United States or has entered into the United States in refugee status; who has a valid nonimmigrant status in the United States; who has a pending application for asylum in the United States; who has a pending or approved application for temporary protected status (TPS) in the United States; who has approved deferred action status; or who has a pending application for lawful permanent residence (LPR) or conditional permanent resident status. This definition does not affect other definitions or requirements that may be contained in the Immigration and Nationality Act or other laws.

(Eff. __/__/____, Register ____)

Authority: AS 28.15.101

2 AAC 90.430. Driver license renewal extension for military personnel and spouses of military personnel. Except as otherwise provided in this chapter, a non-commercial driver's license issued under this chapter to a person who is military personnel and who is stationed outside of this state, and that person's spouse, are extended beyond the expiration date until the earlier of the following dates:

(1) 90 days after the person who is military personnel is discharged from military service;

(2) 90 days after the person's return to the state; or

(3) the period of authorized stay under AS 28.15.101(d) expires.

(Eff. __/__/____, Register ____)

Authority: AS 28.5.011 AS 28.15.101

2 AAC 90.435 is amended to read:

2 AAC 90.435. Extension of driver license expiration. Except as provided in AS 28.15.101(d) the [THE] department may extend, for a period not to exceed one year, the expiration of a valid non-commercial driver's license issued in this state to **an Alaska resident who is temporarily out of state and** [AN OUT-OF-STATE RESIDENT OF THIS STATE WHO] is unable to obtain services in person because of a compelling reason as determined by the department. The department may extend, for 30 days, the expiration of a valid commercial driver's license issued in this state to **an Alaska resident who is temporarily out of state and** [AN OUT-OF-STATE RESIDENT OF THIS STATE WHO] is unable to obtain services in

person. The department will not waive the written or road tests required under 2 AAC 90.420 to extend the expiration of a driver's license. The extension must be in the applicant's immediate possession while the applicant is driving a motor vehicle. The extension is invalid if the applicant's license has been reissued or has been cancelled, denied, disqualified, suspended, or revoked.

(Eff. 1/1/2011, Register 196; am ___/___/_____, Register ___)

Authority: AS 28.5.011 AS 28.15.011 AS 28.15.101

2 AAC 91.010 is amended to read:

2 AAC 91.010. Application for driver training school or third party tester license (a) The department will issue an original driver training school or third party tester license to an applicant that meets the requirements of 2 AAC 91.030 and this section.

(b) An applicant for an original driver training school or third party tester license under AS 28.17 and this section must submit to the department

(1) a completed application on a form prescribed by the department;

(2) the applicable license fee prescribed in AS 28.17.031(b);

(3) **one set** [TWO SETS] of fingerprints as prescribed by the department for each signatory on the application, including the fees required by the Department of Public Safety, as described in AS 28.17.031(c);

(4) documentation and evidence satisfactory to the department that shows that the applicant

(A) is of good moral character;

(B) is 25 years of age or older;

(C) maintains an established place of business open to the public that meets the requirements of 2 AAC 91.100 and that the applicant is the owner or lessor;

(D) has comprehensive general liability insurance coverage, with not less than \$1,000,000 combined single limit per occurrence;

(E) has the equipment necessary to give proper instruction in the operation of a motor vehicle that meets the requirements of this chapter and, when using a commercial motor vehicle, the requirements of AS 19.10.310 and the applicable requirements of 13 AAC 04 and 17 AAC 25;

(F) has a minimum limit of motor vehicle liability insurance of at least \$1,000,000 combined single limit per occurrence;

(G) provides a course of instruction that meets the minimum requirements of 2 AAC 91.080(2);

(H) has an established written schedule of fees, charges, and refund policy;

(I) possesses a valid Alaska business license; and

(J) has at least one licensed instructor or third party examiner with a valid instructor or third party examiner license; the licensed instructor may also be the licensed operator of the school.

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ___)

Authority:	AS 28.05.041	AS 28.17.011	AS 28.17.031
	AS 28.17.041	<u>AS 28.15.081</u>	

2 AAC 91.020 is amended to read:

2 AAC 91.020. Application for instructor or third party examiner license. (a) The department will issue an original instructor or third party examiner license to an applicant who meets the requirements of 2 AAC 91.030 and this section.

(b) An applicant for an original instructor or third party examiner license under AS 28.17 and this section must submit to the department

(1) a completed application on a form prescribed by the department;

(2) the applicable license fee prescribed in AS 28.17.031(b);

(3) one set [TWO SETS] of the applicant's fingerprints as prescribed by the department, including the fees required by the Department of Public Safety, as described in AS 28.17.031(c);

(4) documentation and evidence satisfactory to the department that shows that the applicant

(A) is of good moral character;

(B) is 25 years of age or older;

(C) currently holds, and for a minimum of two years has held, a valid driver's license [IN THIS STATE] for the class of vehicle that the person is giving instruction;

(D) has not been convicted with such frequency of offenses against traffic regulations, ordinances, or statutes during the two years immediately preceding application that the department determines shows a disrespect or disregard for the safety of other persons;

(E) has not been convicted and has no charges pending for reckless driving, or any offense of AS 28.33.030, 28.33.140, 28.35.030, or 28.35.032 during the five years immediately preceding application;

(F) has not had a driver's license, permit, or the privilege to drive disqualified, suspended, or revoked during the five years immediately preceding application;

(G) has passed an examination required by the department regarding traffic laws, safe driving practices, operation of motor vehicles and commercial motor vehicles, driver-training teaching methods and techniques, the Federal Motor Carrier Safety Regulations (49 C.F.R. Parts [390](#) - [391](#)), and laws pertaining to driver training schools; the examination may not be administered to an applicant more than two times during any 12 consecutive months, and a one-week waiting period is required between examinations;

(H) has completed at least 40 hours of instruction at the college level or equivalent training in the development of skills relating to driving or classroom teaching methods; the applicant must submit college transcripts or other documentation acceptable to the department as proof of the required training.

(c) To qualify as an instructor **or third party examiner** for a commercial motor vehicle, an applicant must satisfy the requirements under (b) in this section and have accumulated at least five years' experience in the operation of commercial motor vehicles within the seven years preceding application. The applicant must also hold and maintain a medical card approved by the United States Department of Transportation under 49 C.F.R. [391](#), Subpart E (physical qualifications and examinations) as revised as of **October 4, 2016**.

(d) The department may interview an applicant for a license as an instructor **or third party examiner** under this section to evaluate the applicant's knowledge, skills, and abilities.

(Eff. 7/1/2006, Register 178; am 10/10/2014, Register 212; am ___/___/_____, Register ___)

Authority: AS 28.05.041 AS 28.17.011 AS 28.17.031 AS 28.17.041

AS 28.15.081

2 AAC 91.030 is amended to read:

2 AAC 91.030. Action on application for license: approval and denial. (a) A representative of the department will review, under the provisions of this section, an application for a license under this chapter.

(b) The representative of the department will approve or deny an application submitted under this chapter, or request additional information, within 60 days after the date that the department received the application or additional information.

(c) The department may, before approving or rejecting an application under this section, request another state or local governmental agency to review the application, curriculum, or facility of the school.

(d) If the application is for a license to operate a school for training drivers, the department will, before the application is approved or denied,

(1) inspect the premises of the school for training drivers to ensure that the school is located on a commercially zoned property and has satisfactorily complied with all applicable state and local health and safety codes;

(2) review all applicable city and county business licenses of the school;

(3) if the application requests approval to offer instruction in a classroom, inspect the premises of the school for training drivers to ensure the satisfactory existence of

(A) a facility with an environment conducive to learning with equipment in good repair;

(B) adequate square footage for class sizes;

(C) facilities for persons with disabilities;

(D) desks or tables;

(E) chairs;

(F) restroom facilities;

(G) a copy of current proof of insurance posted in a readily accessible location; and

(H) adequate parking for all students.

(e) The department may deny a license to an applicant if the department determines that

(1) the applicant has made a material false statement or concealed a material fact in connection with the application;

(2) the applicant for a school or third party tester license or an officer, director, stockholder or partner or other person directly or indirectly interested in the school was the former holder or was an officer, director, stockholder or partner in a corporation or a partnership that was the former holder of a school or third party tester license that was revoked or suspended by the department or when one of these persons was an applicant for a license that was denied for a cause that remains valid;

(3) the applicant for a school or third party tester license or an officer, director, stockholder or partner in a corporation or partnership or a person directly interested in the business has been convicted of a felony or of a misdemeanor that affects the business or applicant's ability to adequately and safely provide driver training or testing services;

(4) the applicant has not met the applicable provisions of AS 28.17 or the requirements of this chapter, with respect to the type of license applied for;

(5) the applicant for an instructor's or third party examiner's license is the former holder of either a school license or instructor's or third party tester or third party examiner's license that is suspended, revoked, or denied by the department for a cause that remains valid;

(6) the applicant for an instructor's or third party examiner's license has been convicted of a felony or of a misdemeanor that affects the applicant's ability to adequately and safely provide driver training or examination services; a conviction for the purposes of this paragraph includes a conviction involving fraud or fraudulent practices by the applicant;

(7) the applicant for a school license has failed to require all persons with a financial interest in the school to be signatories to the application; (8) the applicant's privilege to drive has been disqualified, suspended, or revoked in the five years preceding application.

(Eff. 7/1/2006, Register 178; am 10/10/2014, Register 212; am __/__/____, Register ____)

Authority: AS 28.17.041 AS 28.17.051 AS 28.15.081

2 AAC 91.040 is amended to read:

2 AAC 91.040. Renewal of driver training school and instructor or third party tester and examiner licenses. (a) Driver training school and instructor or third party tester and examiner licenses issued under AS 28.17 and this chapter expire on December 31 each year.

(b) At least 30 days before the license expires under (a) of this section, an applicant for renewal of a driver training school **or third party tester** license under this section, must submit, to the division's main office,

(1) a renewal form prescribed by the department;

(2) the applicable renewal fee prescribed in AS 28.17.031(b);

(3) a copy of a current certificate of insurance that shows that the applicant meets the insurance requirements specified in 2 AAC 91.010(b)(4);

(4) a current driving school **or third party tester** vehicle inspection report, on a form prescribed by the department;

(5) a copy of the applicant's current Alaska business license; and

(6) a copy of the applicant's established written schedule of fees, charges, and refund policy.

(c) At least 30 days before the license expires under (a) of this section, an applicant for renewal of an instructor license under this section, must submit, to the division's main office,

(1) a renewal form prescribed by the department; and

(2) the applicable renewal fee prescribed in AS 28.17.031(b).

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ___)

Authority: AS 28.05.041 AS 28.17.011 AS 28.17.031
AS 28.17.041 AS 28.15.081

2 AAC 91.050 is amended to read:

2 AAC 91.050. Display and possession of license. (a) The holder of a license as a driver training school or third party tester must display that license in a conspicuous location in the public office of the school.

(b) The holder of a license as an instructor or third party examiner must have that license, and the instructor's or examiner's driver's license, in the possession of the instructor or examiner at all times while the instructor is engaged in driving instruction. Upon the request of a peace officer, an instructor or third party examiner must show to the officer that instructor's or examiner's driver's license and instructor or examiner license.

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ____)

Authority: AS 28.17.011 AS 28.17.041 AS 28.15.081

2 AAC 91.070 is amended to read:

2 AAC 91.070. Temporary permit. The department may issue a temporary permit to an applicant for a driver training school or instructor **or third party tester or third party examiner** license under this chapter while the department is completing its investigation and determination of all facts relative to the issuance of the license. A temporary permit issued under this section allows the operation of a driver training school, or the instructing or **testing** of student drivers or both, as specified on the permit, for a period not to exceed 60 days. The temporary permit is invalid when the license is issued or denied under this chapter or at the expiration of 60 days from the date of issuance, whichever occurs first.

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ____)

Authority: AS 28.17.041 **AS 28.15.081**

2 AAC 91.080 is amended to read:

2 AAC 91.080. Prerequisites to student instruction or testing. Instruction **or testing** in the operation of a motor vehicle may not be given to a student by a driver training school **or third party tester** licensed under this chapter, unless

(1) the instructor **or third party examiner** possesses a valid driver's license for the minimum number of years required by 2 AAC 91.020 for the class of vehicle in which the instructor is giving instruction;

(2) the course of instruction has been approved by the department and is

(A) certified by a nationally recognized organization specializing in driver training for non-commercial motor vehicles; or

(B) certified by a nationally recognized professional truck driver training program for commercial motor vehicles;

(3) the student to be instructed **or tested** has in the student's possession either a valid instruction permit issued under AS 28.15.051(a) or a driver's license for the class of vehicle in which instruction is to be given;

(4) the non-commercial vehicle used for instruction has on file with the department a current inspection form signed by a certified mechanic where available or another person designated by the department to perform inspections; the vehicle must be inspected annually and maintained at all times in a clean and safe operating condition;

(5) the non-commercial motor vehicle used for instruction is equipped with a dual braking device, rear view mirrors, and safety belts for use by the instructor and driver; a vehicle with standard transmission must be equipped with a dual clutch device;

(6) each commercial motor vehicle used by the school **or third party tester** meets all requirements of 49 C.F.R Parts [390 - 399](#) (Federal Motor Carrier Safety Regulations), revised as of **October 1, 2016** [OCTOBER 1, 2005], adopted by reference;

(7) the licensee has filed with the department proof of liability insurance that covers the liability of the school, the driving instructor, and any student taking instruction or **testing** in an amount not less than that required by AS 28.20.440 for non-commercial motor vehicles and not less than required by AS 19.10.300 for commercial motor vehicles; the insurance policy must describe each motor vehicle used for instruction by make, model, year, and vehicle identification number; the licensee must notify the department at least 30 days before the cancellation or expiration of a policy of insurance, and of each change in the motor vehicles covered.

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ____)

Authority: AS 28.17.041 **AS 28.15.081**

2 AAC 91.090 is amended to read:

2 AAC 91.090. Instruction vehicle identification. (a) A motor vehicle or commercial motor vehicle used by a driver training school for instruction **or testing** purposes must display on the vehicle a sign as described in this section.

(b) A sign required under this section must

(1) include lettering and background colors that contrast to ensure that the sign is clearly readable at 100 feet in clear daylight;

(2) be at least 20 inches wide and at least 20 inches high;

(3) be mounted above the upper extremities of the rear bumper in a vertical position and have the words "Student Driver," "Instruction Car," or "Instruction Truck" at the top of the sign in legible English letters that are at least two and one-half inches high;

(4) display the name, street address, and phone number of the school in legible characters at least one inch high.

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ____)

Authority: AS 28.17.041

2 AAC 91.100 is amended to read:

2 AAC 91.100. Temporary location for driver training school. The department may approve a temporary location for a driver training school or branch of a school that meets the provisions of

this chapter. The driver training school or branch of the school may not offer instruction **or testing** at the temporary location without written approval from the department.

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ____)

Authority: AS 28.17.041

2 AAC 91.120 is amended to read:

2 AAC 91.120. Certain instruction or testing prohibited. (a) Unless specifically authorized in writing by the department, a person may not conduct or offer a course of instruction **or testing** comprised wholly or in part of the specific tests administered by the department through use of the department's forms or testing facilities, or facsimiles of those forms or facilities, or instruct on the course that a state, borough, or city office uses for road testing applicants for driver licenses.

(b) A person may not conduct any course of instruction unless the person has been issued a valid instruction permit issued by the department.

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ____)

Authority: AS 28.17.041 AS 28.17.051

2 AAC 91.130 is amended to read:

2 AAC 91.130. Change of officers, directors, and location. (a) A licensee of a driver training school **or third party examiner** shall notify the department in writing within seven days after any change is made in the officers, directors, or location of the school. The written notification must include two sets of fingerprints, as prescribed by the department, for the new officer or director, including the fees required by the Department of Public Safety, as described in AS 28.17.031(c).

(b) Upon being notified of the death of a licensee of a driver training school, the department will cancel the license and, if the minimum requirements are met, issue a temporary license to the executor, administrator, surviving spouse, or other heir of the estate. If the temporary licensee conducts the school in the same manner required of a licensee, the temporary license will allow that person to conduct the business of the school for the remaining life of the canceled license, until disposal of the business, or until the temporary license holder, surviving spouse, or heir qualifies for a license, whichever occurs first. The temporary license may be renewed once as provided in 2 AAC 91.040. The renewed temporary license is valid for one

year, until disposal of the business, or until the temporary licensee or surviving spouse or heir qualifies for a license, whichever occurs first.

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ___)

Authority: AS 28.17.041 AS 28.15.081

2 AAC 91.140 is amended to read:

2 AAC 91.140. Licenses nontransferable. A driver training school or third party tester license is nontransferable. If a transfer of ownership of the school occurs, a new license must be obtained by the new owner under 2 AAC 91.010. The department may issue a temporary permit under 2 AAC 91.070 to the person to whom the school is transferred to allow that school to continue to operate.

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ___)

Authority: AS 28.17.041 AS 28.15.081

2 AAC 91.150 is amended to read:

2 AAC 91.150. Records of licensee. A licensee shall maintain a record showing the name, date of birth, address, phone number, and license or instruction permit number of each person given instruction **or testing**, the particular vehicle class and type of instruction given, and how much time was devoted to each type of instruction. The record must be maintained for at least three years and open to the inspection of the department at all times.

(Eff. 7/1/2006, Register 178; am ___/___/_____, Register ____)

Authority: AS 28.17.041

2 AAC 91.175 is amended to read:

2 AAC 91.175. Separation of training and testing functions at driver training schools for applicants for commercial driver's licenses. If a driver training school that instructs applicants for commercial driver's licenses also serves as a third party tester on behalf of and under an agreement with the department under 49 C.F.R. [383.75](#), adopted by reference in 2 AAC 90.250, an instructor who is also certificated under 49 C.F.R. [383.75](#) and 49 C.F.R. [384.228](#) as a third party skills test examiner from that driver training school may not administer a skills test

required under AS 28, 2 AAC 90, or 49 C.F.R. Part [383](#) to an applicant whom the instructor has trained. [A DIFFERENT INSTRUCTOR WHO IS CERTIFICATED AS A THIRD PARTY SKILLS EXAMINER FROM THE DRIVER TRAINING SCHOOL MAY ADMINISTER THE SKILLS TEST ONLY IF A STATE TEST FACILITY OR THE TEST FACILITY OF ANOTHER THIRD PARTY TESTER IS NOT LOCATED WITHIN 50 MILES OF THE DRIVER TRAINING SCHOOL.]

(Eff. 10/10/2014, Register 212; am ___/___/_____, Register ____)

Authority: AS 28.17.011 AS 28.17.031 AS 28.17.041

2 AAC 91.990 is amended by adding a new subsection to read:

2 AAC 91.990. Definitions.

(12) “third party tester” means a person (including, but not limited to, another State, a motor carrier, a private driver training facility or other private institution, or a department, agency or instrumentality of a local government) authorized by the State to employ skills test examiners to administer the non-commercial and CDL skills tests.

(13) “Third party skills test examiner” means a person employed by a third party tester who is authorized by the State to administer the non-commercial and CDL skills tests.

(Eff. __/__/____, Register ____)