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**OFFICE OF THE LIEUTENANT GOVERNOR
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MEMORANDUM

TO: Minta Montalbo
Department of Administration

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081 

DATE: December 14, 2017

RE: Filed Permanent Regulations: Department of Administration

Department of Administration regulations regarding the division of motor vehicles, commercial and non-commercial driver licensing, driver license examination and third-party testing, and boat certification (2 AAC 70.110; 2 AAC 70.140; 2 AAC 90.015(b)(5); 2 AAC 90.210(b)(2); 2 AAC 90.230(f); 2 AAC 90.250(a); 2 AAC 90.310(a); 2 AAC 90.420-2 AAC 90.435; 2 AAC 91)

Attorney General File:	JU2017200286
Regulation Filed:	12/13/2017
Effective Date:	1/12/2018
Print:	225, April 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF ADMINISTRATION

The attached 27 pages of regulations, dealing with boat certification, commercial driver license, license endorsements, extension of driver license expiration, demerit point schedule, application for driver training school and third party tester, are adopted and certified to be a correct copy of the regulation changes that the Department of Administration adopts under the authority of AS 28.05.011 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Administration paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor.

Date: 12-11-17



Leslie Ridle, Commissioner

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

December 13, 2017, at 2:15p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: January 12, 2018

Register: 225, April 2018

2 AAC 70.110(a) is amended to read:

(a) An application submitted for a certificate of number must contain the following information:

- (1) **the name of the owner and the owner identifier consisting of**
 - (A) the owner's tax identification number or date of birth; and**
 - (B) the driver's license number of the owner;**
- (2) **the** address of the owner, including **the** zip code;
- (3) **the** 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) **the** make **and model** of **the** boat;
- (8) **the** year **when the** boat was manufactured or **the** model year;
- (9) **the** manufacturer's hull identification number [, IF APPLICABLE];
- (10) **the** overall length of **the** 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.

2 AAC 70.110(b) is amended to read:

(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) - (15)** [(a)(7) - (14)] of this section.

2 AAC 70.110(c) is amended to read:

(c) A person submitting an application to register a boat without mechanical propulsion does not need to submit the information specified in **(a)(13) - (15)** [(a)(13) AND (14)] of this section.

(Eff. 2/3/2001, Register 157; am 1 / 12 / 2018, Register 225)

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) **the** number issued to the boat;
- (2) **the** expiration date of the certificate;
- (3) **the** state of principal **operation** [USE];
- (4) **the** name of the owner;
- (5) **the** address of the owner, including **the** 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) **the** manufacturer's hull identification number [, IF APPLICABLE];
- (8) **the** make **and model** of **the** boat;
- (9) **the** year **when the** boat was manufactured or **the** model year;
- (10) **the** overall length of **the** 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) **the** 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) whether the fuel is gasoline, diesel, or **electric** [OTHER].

(b) The department may exclude the information specified in **(a)(8) - (15)** [(a)(8) - (14)] 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)** [(a)(7) - (14)] 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) - (15)** [(a)(13) AND (14)] of this section. (Eff. 2/3/2001, Register 157; am 1 / 12 / 2018, Register 225)

Authority: AS 05.25.055 AS 05.25.095

2 AAC 90.015(b)(5) is amended to read:

(5) **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 required under AS 28.15.046(b)(4);

(Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 1 / 12 / 2018, Register 225)

Authority: AS 28.05.011 AS 28.15.041 AS 28.15.046

AS 28.05.041

2 AAC 90.210(b)(2)(B) is amended to read:

(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;

2 AAC 90.210(b)(2)(C) is amended to read:

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

2 AAC 90.210(b)(2)(G) is amended to read:

(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); [.]

2 AAC 90.210(b)(2)(H) is amended to read:

(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 1 / 12 / 2018, Register 225)

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Authority: AS 28.05.011

AS 28.15.046

AS 28.33.100

AS 28.05.041

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

(f) The department will cancel the limited license of a driver who is required to install and use an ignition interlock device under AS 28.35.030 or 28.35.032, and will allow the licensee to apply under AS 28.15.161(b) for a new license only upon removal of the cause for the cancellation,

(1) if a court convicts the driver of a crime under AS 11.76.140 (avoidance of ignition interlock device); the department will cancel the limited license upon conviction; or

(2) when evidence is received that the device has not been calibrated, monitored or maintained as required under 22 AAC 15.045. (Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 1 /12 /2018, Register 225)

Authority: AS 28.05.011

AS 28.15.165

AS 28.33.140

AS 28.15.161

AS 28.15.201

2 AAC 90.250(a) is amended to read:

(a) The following provisions of 49 C.F.R. Part 383 (commercial driver's license standards; requirements and penalties), revised as of **June 5, 2017** [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 (CLP));**

(3) 49 C.F.R. 383.31 (notification of convictions for driver violations);

(4) 49 C.F.R. 383.51 (disqualification of drivers);

(5) 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) 49 C.F.R. 383.91 (commercial motor vehicle groups);

(11) [(6)] 49 C.F.R. 383.95 (restrictions);

(12) [(7)] 49 C.F.R. 383.110 - 383.123 (Subpart G: required knowledge and skills) and the appendix to Subpart G;

(13) [(8)] 49 C.F.R. 383.135 (passing knowledge and skills tests).

2 AAC 90.250(b)(1) is amended to read:

(1) the lead-in of **49 C.F.R. 383.71(c)** [49 C.F.R. 383.71(b)] is amended 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 AAC 90.250(b)(2) is amended to read:

(2) in **49 C.F.R. 383.71(c)** [49 C.F.R. 383.71(b)], "new State of domicile" is

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revised to read "the division";

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

(3) repealed 1/12/2018;

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

(4) repealed 1/12/2018;

2 AAC 90.250(b)(6) is amended to read:

(6) the lead-in of 49 C.F.R. 383.73(c) [49 C.F.R. 383.73(b)] is amended to read:

"(c) [(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 1/12/2018, Register 225)

Authority: AS 28.05.011 AS 28.15.051 AS 28.33.100

AS 28.15.041

2(a)

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:

Offense or Type of Offenses	Point Value
(1) except as provided in (2) of this subsection, driving while license is cancelled, suspended, or revoked, or in violation of a 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 testing.....	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 prohibited under AS 28.35.161 while driving or unlawful installations under AS 28.35.161.....</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

(15) [(14)] failure to provide proof of liability insurance as required
by AS 28.22..... 6

(16) [(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 **this** [THE] subsection..... 2

(Eff. 7/1/2006, Register 178; am 1 / 12 /2018, Register 225)

Authority: AS 28.05.011 AS 28.15.221

The introductory language of 2 AAC 90.420(b) is amended to read:

(b) An applicant for an original driver's license must furnish valid documentary proof of the applicant's date of birth **and 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:

...

2 AAC 90.420(d) is amended to read:

(d) An applicant for an original, duplicate, or renewal of a driver's license or identification card who is eligible **for** [TO BE ASSIGNED] 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 **or must present documents issued from the United States Social Security Administration that demonstrate that the applicant does not have a social security number assigned.** 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.

The introductory language of 2 AAC 90.420(h) is amended to read:

(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** must 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:

...

2 AAC 90.420(i) is amended to read:

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

2 AAC 90.420(j)(1) is amended to read:

(1) applicant previously possessed the same class of driver's license under AS 28.15.041 or a similar statute of

(A) another state or territory of the United States; [OR]

(B) a province **or territory** of Canada; **or**

(C) a province of the Republic of Korea; and

2 AAC 90.420(k) is amended to read:

(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.**

2 AAC 90.420(m) is amended to read:

(m) An applicant for an identification card must provide the same documentary evidence as required in (a) - (f) of this section. **Unless otherwise provided in this section, an identification card issued under AS 18.65.310 expires and may be renewed as set out in AS 28.15.101, except that the applicant**

(1) is not required to take a vision test; and

(2) is not subject to the restriction in AS 28.15.101(c)(2) if renewing an identification card by mail or on the department's Internet website; an applicant under this paragraph remains subject to the restriction in AS 28.15.101(c)(1).

2 AAC 90.420 is amended by adding new subsections to read:

(r) For purposes of this section, an individual is present with lawful status in the United States if the individual is, under 8 U.S.C. 1101 - 1537 (Immigration and Nationality Act) or other federal law,

(1) a citizen or national of the United States; or

(2) an alien who

(A) is lawfully admitted for permanent or temporary residence in the United States;

(B) has conditional permanent resident status in the United States;

(C) has an approved application for asylum in the United States or has entered the United States in refugee status;

(D) has a pending application for asylum in the United States;

(E) has a valid nonimmigrant status in the United States;

(F) has a pending or approved application for temporary protected status (TPS) in the United States;

(G) has approved deferred action status; or

(H) has a pending application for lawful permanent residence (LPR) or conditional permanent resident status.

(s) Nothing in (r) of this section affects other provisions of 8 U.S.C. 1101 - 1537

(Immigration and Nationality Act) or other federal law that apply to determining an individual's lawful status in the United States. (Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 6/27/2014, Register 210; am 1 / 12 / 2018, Register 225)

Authority: AS 18.65.310 AS 28.15.081 AS 28.15.111
AS 28.05.011 AS 28.15.101 AS 28.15.211
AS 28.15.041

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2 AAC 90.430 is amended by adding a new paragraph to read:

(3) the period of authorized stay under AS 28.15.101(d) expires. (Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 1 / 12 / 2018, Register 225)

Authority: AS 28.05.011 AS 28.15.011

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 **a** [AN OUT-OF-STATE] resident of this state who **is temporarily out-of-state and** 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 **a** [AN OUT-OF-STATE] resident of this state who **is temporarily out-of-state and** 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 1 / 12 / 2018, Register 225)

Authority: AS 28.05.011 AS 28.15.011 AS 28.15.101

2 AAC 91.010(a) 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.

The introductory language of 2 AAC 91.010(b) is amended to read:

(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

...

2 AAC 91.010(b)(3) is amended to read:

(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);

2 AAC 91.010(b)(4)(J) is amended to read:

(J) has at least one licensed instructor **or third-party examiner** with a valid instructor **or third-party examiner** license; the licensed instructor **or third-party examiner** may also be the licensed operator of the school. (Eff. 7/1/2006, Register 178; am 1 / 12 / 2018 , Register 225)

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

Editor's note: An application for an original driver training school **or third-party tester**

license may be obtained by written request to the Department of Administration, Division of Motor Vehicles, 1300 W. Benson Blvd., Suite 100, Anchorage, Alaska 99503-3689.

2 AAC 91.020(a) 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.

The introductory language of 2 AAC 91.020(b) is amended to read:

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

...

2 AAC 91.020(b)(3) is amended to read:

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

2 AAC 91.020(b)(4)(C) is amended to read:

(C) currently holds, and for a minimum of two years has held, a valid driver's license in this **or another** state for the class of vehicle that the person is giving instruction;

2 AAC 91.020(c) is amended to read:

(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. **Part** 391, Subpart E (physical qualifications and examinations) as revised as of **October 4, 2016** [OCTOBER 1, 2013].

2 AAC 91.020(d) is amended to read:

(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 1 / 12 / 2018, Register 225)

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

Editor's note: An application for an original instructor **or third-party examiner** license may be obtained by written request to the Department of Administration, Division of Motor Vehicles, 1300 W. Benson Blvd., Suite 100, Anchorage, Alaska 99503-3689.

2 AAC 91.030(e)(2) is amended to read:

(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;

2 AAC 91.030(e)(3) is amended to read:

(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;

2 AAC 91.030(e)(5) is amended to read:

(5) the applicant for an **instructor or third-party examiner** [INSTRUCTOR'S] license is the former holder of [EITHER] a school, **instructor, third-party tester, or third-party examiner** license [OR INSTRUCTOR'S LICENSE] that is suspended, revoked, or denied by the department for a cause that remains valid;

2 AAC 91.030(e)(6) is amended to read:

(6) the applicant for an **instructor or third-party examiner** [INSTRUCTOR'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;

2 AAC 91.030(e)(7) is amended to read:

(7) the applicant for a school **or third-party tester** license has failed to require all persons with a financial interest in the school **or third-party tester** to be signatories to the application;

(Eff. 7/1/2006, Register 178; am 10/10/2014, Register 212; am 1 / 12 / 2018, Register 225)

Authority: **AS 28.15.081** AS 28.17.041 AS 28.17.051

2 AAC 91.040(a) is amended to read:

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

The introductory language of 2 AAC 91.040(b) is amended to read:

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

...

2 AAC 91.040(b)(4) is amended to read:

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

The introductory language of 2 AAC 91.040(c) is amended to read:

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

...

(Eff. 7/1/2006, Register 178; am 1 / 12 / 2018, Register 225)

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

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 or third-party tester facility.

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

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driver's license and instructor **or third-party examiner** license. (Eff. 7/1/2006, Register 178; am 1 / 12 / 2018, Register 225)

Authority: AS 28.15.081 AS 28.17.011 AS 28.17.041

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, **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 1 / 12 / 2018, Register 225)

Authority: AS 28.15.081 AS 28.17.041

The introductory language of 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

...

2 AAC 91.080(1) is amended to read:

(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 AAC 91.080(3) is amended to read:

(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;

2 AAC 91.080(6) is amended to read:

(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;

2 AAC 91.080(7) is amended to read:

(7) the licensee **or third-party tester** 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 **that** 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

Register 225, April 2018

ADMINISTRATION

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 1 / 12 / 2018, Register 225)

Authority: AS 28.15.081 AS 28.17.041

2 AAC 91.090(a) is amended to read:

(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.

(Eff. 7/1/2006, Register 178; am 1 / 12 / 2018, Register 225)

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 1 / 12 / 2018, Register 225)

Authority: AS 28.17.041

2 AAC 91.120(a) 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

Register 225, April 2018

ADMINISTRATION

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's** [DRIVER] licenses.

(Eff. 7/1/2006, Register 178; am 1 / 12 / 2018, Register 225)

Authority: AS 28.17.041 AS 28.17.051

2 AAC 91.130(a) is amended to read:

(a) A licensee of a driver training school shall **and a third-party tester shall** notify the department in writing within seven days after any change is made in the officers, directors, or location of the school **or third-party tester facility**. The written notification must include **one set** [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).

(Eff. 7/1/2006, Register 178; am 1 / 12 / 2018, Register 225)

Authority: **AS 28.15.081** AS 28.17.041

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 **or third-party tester facility** 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 **or third-party tester** is transferred to allow that school to continue to operate. (Eff. 7/1/2006,

Register 178; am 1 / 12 / 2018, Register 225)

Register 225, April 2018

ADMINISTRATION

Authority: AS 28.15.081

AS 28.17.041

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, **telephone** [PHONE] number, and license or instruction permit number of each person given instruction **or testing**, the particular vehicle class and type of instruction **or testing** given, and how much time was devoted to each type of instruction **or testing**. 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 1 /12 /2018, Register 225)

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** [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** [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

Register 225, April 2018

ADMINISTRATION

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 1/12/2018, Register 225)

Authority: AS 28.17.011 AS 28.17.031 AS 28.17.041

2 AAC 91.990(a) is amended by adding new paragraphs to read:

(12) "third-party examiner" or "third-party skills test examiner" means a person whom

(A) a third-party tester employs; and

(B) the department authorizes to administer the non-commercial driver's license and commercial driver's license (CDL) skills tests;

(13) "third-party tester" means a person that the department authorizes to employ third-party examiners to administer the non-commercial driver's license and commercial driver's license (CDL) skills tests; in this paragraph, "person"

(A) has the meaning given in AS 01.10.060;

(B) includes another state, a motor carrier, a private driver training facility or other private institution, or a department, agency, or instrumentality of a local government.

(Eff. 7/1/2006, Register 178; am 10/10/2014, Register 212; am 1/12/2018, Register 225)

Authority: AS 28.17.041 AS 28.90.990

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: December 12, 2017

File No.: JU2017200286

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Administration
regulations regarding the division of
motor vehicles, commercial and non-
commercial driver licensing, driver
license examination and third-party
testing, and boat certification (2 AAC
70.110; 2 AAC 70.140; 2 AAC
90.015(b)(5); 2 AAC 90.210(b)(2);
2 AAC 90.230(f); 2 AAC 90.250(a);
2 AAC 90.310(a); 2 AAC 90.420 -
2 AAC 90.435; 2 AAC 91)

We have reviewed the attached regulations from the Department of Administration against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated November 14, 2017 from the Regulations Attorney. The regulations update requirements regarding motor vehicles, commercial and non-commercial driver licensing, driver license examination and third-party testing, and boat certification.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The June 2, 2017 public notice, the July 28, 2017 supplemental public notice, and the December 11, 2017 adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2017200286

December 12, 2017
Page 2

We have made a single technical correction to a lead-in line for the regulations, in accordance with AS 44.62.125 and on page 8 as shown on the attached copy. The attached copy does not contain any corrections to the regulations themselves.

SCW

cc w/enc: (via email)

Hon. Leslie D. Ridle, Commissioner
Department of Administration

Minta Montalbo, Special Assistant and Regulations Contact
Department of Administration

Marla Thompson, Director
Division of Motor Vehicles
Department of Administration

Nicole Tham, Regulations Specialist
Division of Motor Vehicles
Department of Administration

Michael A. Stanker, Assistant Attorney General
Labor and State Affairs Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: November 14, 2017

FILE NO.: JU2017200286

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority regarding regulations review on Department of Administration regulations regarding the division of motor vehicles, commercial and non-commercial driver licensing, driver license examination and third-party testing, and boat certification (2 AAC 70.110; 2 AAC 70.140; 2 AAC 90.015(b)(5); 2 AAC 90.210(b)(2); 2 AAC 90.230(f); 2 AAC 90.250(a); 2 AAC 90.310(a); 2 AAC 90.420 - 2 AAC 90.435; 2 AAC 91)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

NOTICE OF PROPOSED CHANGES ON APPLICATION AND CONTENT FOR BOAT CERTIFICATION, COMMERCIAL DRIVER LICENSE, LICENSE ENDORSEMENTS, EXTENSION OF DRIVER LICENSE EXPIRATION, DEMERIT POINT SCHEDULE, APPLICATION FOR DRIVER TRAINING SCHOOL, AND THIRD PARTY TESTER IN THE REGULATIONS OF DIVISION OF MOTOR VEHICLES

BRIEF DESCRIPTION

The Division of Motor Vehicles proposes to change regulations in Title 2, Chapters 70, 90 and 91 of the Alaska Administrative Code, dealing with application and contents of boat certification, school bus endorsements, license endorsements, adoption by reference Code of Federal Regulations pertinent to Commercial Driver Licenses, demerit point schedule, driver license renewal extension for military personnel and spouses of military personnel, extension of driver license expiration, proctor knowledge test for CDL, and applications for driver training school or third party tester licenses including the following

- (1) 2 AAC 70.110 and 2 AAC 70.140 is proposed to be amended with wording changes throughout both of the regulations. The intent is to update the verbiage to current technical terms used by the United States Coast Guard.
- (2) 2 AAC 90.015 is proposed to be amended to decrease the number of finger print records an applicant is required to provide.
- (3) 2 AAC 90.210 is proposed to be amended with wording changes throughout the regulation to clarify endorsement requirements.
- (4) 2AAC 90.230 is proposed to add a new subsection 2 AAC 90.230(f) which cancels a limited license issued to a person who is required to install and use an ignition interlock device, if the person violates the conditions stated under this proposed subsection.
- (5) 2 AAC 90.250 is proposed to adopt by reference four sections of the Code of Federal Regulations, 49 C.F.R. 283.23, 49 C.F.R. 383.25, 49 C.F.R. 383.31, 49 C.F.R. 383.51.
- (6) 2 AAC 90.250(b)(3) and 2 AAC 90.250(b)(4) are proposed to be repealed, removing unnecessary language.
- (7) 2 AAC 90.310 is proposed to be amended by adding a new offense and point value for "use of electronic devices while driving", under the demerit point schedule.
- (8) 2 AAC 90.420 is proposed to be amended by adding subsections and language to clarify additional requirements for applicants and to waive road test reciprocity for applicants possessing a driver's license from the Republic of Korea (South Korea).

- (9) 2 AAC 90.990 is proposed to add a new subsection 2 AAC 90.990(22) for the definition of “lawful status”.
- (10) 2 AAC 90.430 is proposed to be amended by adding a subsection and language to reference the authority of AS 28.15.101(d) as it relates to license expiration extensions.
- (11) 2 AAC 90.435 is proposed to be amended by adding language to clarify the way the regulation reads in the context of temporary license extensions issued to Alaska residents who are temporarily out of state.
- (12) 2 AAC 91.010, 2 AAC 91.020, 2 AAC 91.030, 2 AAC 91.040, 2 AAC 91.050, 2 AAC 91.070, 2 AAC 91.080, 2 AAC 91.090, 2 AAC 91.100, 2 AAC 91.120, 2 AAC 91.130, 2 AAC 91.140, 2 AAC 91.150, 2 AAC 91.175 are proposed to be amended by adding language to include third party testers, third party examiners and testing throughout the regulations, reduce the required set of fingerprints from two to one, updating 49 CFR 391 revision date to October 4, 2016, and updating 49 CFR 390-399 revision date to October 1, 2016.
- (13) 2 AAC 91.990 is amended by adding subsections defining both “third party tester” and “third party skills test examiner”.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Nichole Tham at 1300 W. Benson Blvd, Ste. 100, Anchorage, Alaska 99503. Additionally, the Division of Motor Vehicles will accept comments by facsimile at 907-269-3774 and by electronic mail at Nichole.tham@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00pm on July 3, 2017.

You may submit written questions relevant to the proposed action to Nichole Tham by email (Nichole.tham@alaska.gov), by facsimile at 907-269-3774 or by mail at 1300 W. Benson Blvd, Ste. 100, Anchorage, Alaska 99503. The questions must be received at least 10 days before the end of the public comment period. The Division of Motor Vehicles will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Division of Motor Vehicles website (<http://doa.alaska.gov/dmv/>). Written comments are public records subject to public inspection.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Nichole Tham by email (Nichole.tham@alaska.gov) or at 907-269-3770 not later than 3:00pm, July 3, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System

and by contacting Nichole Tham by email (Nichole.tham@alaska.gov) or at 907-269-3770.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 1300 W. Benson Blvd, Ste. 100, Anchorage, Alaska 99503.

After the public comment period ends, the Division of Motor Vehicles will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

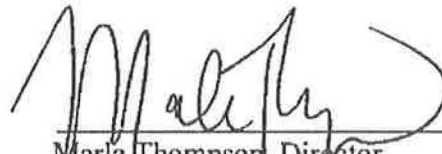
Statutory authority: AS 05.25.055; AS 05.25.095; AS 28.05.011; AS 28.05.041; AS 28.15.041; AS 28.15.046; AS 28.05.011; AS 28.15.161; AS 28.15.165; AS 28.15.201; AS 28.33.100; AS 28.33.140; AS 28.15.051; AS 28.15.221; AS 18.65.310; AS 28.15.081; AS 28.15.101; AS 28.15.111; AS 28.15.211; AS 28.15.011; AS 28.17.011; AS 28.17.031; AS 28.17.041; AS 28.17.051; AS 28.05.035; AS 28.15.241; AS 28.15.253.

Statutes being implemented, interpreted, or made specific: AS 28.15.046; AS 28.15.051; AS 28.01.010; AS 28.35.030; AS 28.35.032; AS 11.76.140; AS 28.33.130; AS 28.15.101; AS 18.65.310; AS 28.15.111; AS 28.15.211; AS 28.17.031; AS 19.10.310; AS 28.33.030; AS 28.33.140; AS 28.20.440; AS 19.10.300; AS 28.15.271; AS 28.15.253; AS 28.15.081.

Fiscal information: The proposed regulation changes do not require an increased appropriation and will have zero cost for the agency to implement. The estimated annual cost to a private person, other state agencies and municipalities or boroughs to comply with the proposed regulations, is zero.

Date:

5/19/17



Maria Thompson, Director
Division of Motor Vehicles

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE
DIVISION OF MOTOR VEHICLES

BRIEF DESCRIPTION

The Division of Motor Vehicles proposes to amend regulations in Title 2, Chapter 90 of the Alaska Administrative Code, dealing with requirements of a social security number and the application for original, duplicate or renewal of driver's license or identification card.

2 AAC 90.420(d) is proposed to be amended by adding language to clarify additional requirements for applicants with regards to social security documentation required for an original, duplicate or renewal application for driver's license or identification cards.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on May 18, 2017, concerning these proposed regulation revisions contained in the Department of Law file number JU2017200286. This SUPPLEMENTAL NOTICE is being issued because the Division of Motor Vehicles has revised subsection 2 AAC 90.420(d) and decided to reopen the period for public comment:

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Nichole Tham at 1300 W. Benson Blvd, Ste. 100, Anchorage, Alaska 99503. Additionally, the Division of Motor Vehicles will accept comments by facsimile at 907-269-3774 and by electronic mail at Nichole.tham@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00pm on August 18, 2017.

You may submit written questions relevant to the proposed action to Nichole Tham by email (Nichole.tham@alaska.gov), by facsimile at 907-269-3774 or by mail at 1300 W. Benson Blvd, Ste. 100, Anchorage, Alaska 99503. The questions must be received at least 10 days before the end of the public comment period. The Division of Motor Vehicles will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Division of Motor Vehicles website (<http://doa.alaska.gov/dmv/>). Written comments are public records subject to public inspection.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Nichole Tham by email (Nichole.tham@alaska.gov) or at 907-269-3770 not later than 3:00pm, August 18, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Nichole Tham by email (Nichole.tham@alaska.gov) or at 907-269-3770.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 1300 W. Benson Blvd, Ste. 100, Anchorage, Alaska 99503.

After the public comment period ends, the Division of Motor Vehicles will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

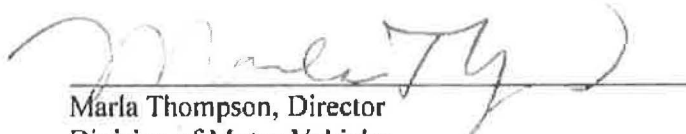
Statutory authority: AS 18.65.310; AS 28.05.011; AS 28.15.041; AS 28.15.081; AS 28.15.101; AS 28.15.111; AS 28.15.211

Statutes being implemented, interpreted, or made specific: AS 28.15.101

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date:

7/25/17



Marla Thompson, Director
Division of Motor Vehicles

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Division of Motor Vehicles, Department of Administration
2. General subject of regulation: Commercial and Non-Commercial Driver Licensing, Driver License examination and third party testing, Boat certification
3. Citation of regulation (may be grouped): 2 AAC 70.110, 70.140, 90.015, 90.210, 90.230, 90.250, 90.310, 90.420, 90.990, 90.430, 90.435, 91.010 through 91.175, 91.990
4. Department of Law file number, if any: _____

5. Reason for the proposed action:

- Compliance with federal law or action (identify): 49 C.F.R 383.23, 383.25, 383.31, 383.51
- Compliance with new or changed state statute
- Compliance with federal or state court decision (identify): _____
- Development of program standards
- Other (identify): _____

6. Appropriation/Allocation: _____

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0.00

Another state agency: \$0.00

A municipality: \$0.00

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2017	Subsequent Years
Operating Cost	\$ 0.00	\$0.00
Capital Cost	\$ 0.00	\$0.00
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____

Other (identify) \$ _____ \$ _____

9. The name of the contact person for the regulation:

Name: Nichole Tham
Title: Driver Licensing Manager
Address: 1300 W. Benson Blvd, Ste 100
Telephone: 907-269-3770
E-mail address: Nichole.tham@alaska.gov

10. The origin of the proposed action:

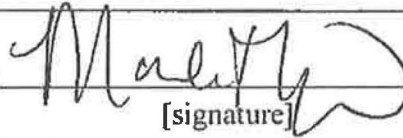
- Staff of state agency
- Federal government
- General public
- Petition for regulation change
- Other (identify): _____

11.

Date:

5/18/17

Prepared by:


[signature]

Name: Marla Thompson
Title: Director, Division of Motor Vehicles
Telephone: 907-269-3770

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Marla Thompson, Director, of the Division of Motor Vehicles, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to Title 2, Chapters 70, 90 and 91 of the Alaska Administrative Code, dealing with application and contents of boat certification, school bus endorsements, license endorsements, adoption by reference Code of Federal Regulations pertinent to Commercial Driver Licenses, demerit point schedule, driver license renewal extension for military personnel and spouses of military personnel, extension of driver license expiration, proctor knowledge test for CDL, and applications for driver training school or third party tester licenses has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Judiciary, Finance, Labor & Commerce, Transportation, and State Affairs Committees of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 8/15/17



Marla Thompson, Director

Subscribed and sworn to before me at 1300 W. Benson Blvd. Anchorage, AK on

8/15/2017





Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Marla Thompson, Director, of the Division of Motor Vehicles, being sworn, state the following:

The Division of Motor Vehicles did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Division of Motor Vehicles regulation on proposed adoption of changes to Title 2, Chapters 70, 90 and 91 of the Alaska Administrative Code, dealing with application and contents of boat certification, school bus endorsements, license endorsements, adoption by reference Code of Federal Regulations pertinent to Commercial Driver Licenses, demerit point schedule, driver license renewal extension for military personnel and spouses of military personnel, extension of driver license expiration, proctor knowledge test for CDL, and applications for driver training school or third party tester licenses.

Date: 10/12/17

Marla Thompson
Marla Thompson, Director

Subscribed and sworn to before me at 1300 W Benson Blvd on
10/12/17
(date)

Katie
Notary Public in and for the State of Alaska



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RECEIVED

AUG 08 2017

DMV Fiscal

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Jolcesa Stepetin
being first duly sworn on oath
deposes and says that she is
a representative of the
Alaska Dispatch News, a
daily newspaper. That said
newspaper has been approved
by the Third Judicial Court,
Anchorage, Alaska, and it now
and has been published in the
English language continually as a
daily newspaper in Anchorage,
Alaska, and it is now and during
all said time was printed in an
office maintained at the aforesaid
place of publication of said
newspaper. That the annexed is
a copy of an advertisement as it
was published in regular issues
(and not in supplemental form)
of said newspaper on

July 28 & 30, 2017

and that such newspaper was
regularly distributed to its
subscribers during all of said
period. That the full amount of
the fee charged for the foregoing
publication is not in excess of
the rate charged private individuals.

Signed Jolcesa Stepetin

Subscribed and sworn to before

me this 1 day of August

20 17

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019

**SUPPLEMENTAL NOTICE OF PROPOSED CHANGES IN THE REGULATIONS
OF THE DIVISION OF MOTOR VEHICLES**

BRIEF DESCRIPTION

The Division of Motor Vehicles proposes to amend regulations in Title 2, Chapter 90 of the Alaska Administrative Code, dealing with requirements of a social security number and the application for original, duplicate or renewal of driver's license or identification card.

2 AAC 90.420(d) is proposed to be amended by adding language to clarify additional requirements for applicants with regards to social security documentation required for an original, duplicate or renewal application for driver's license or identification cards.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on May 18, 2017, concerning these proposed regulation revisions contained in the Department of Law file number JU2017200286. This SUPPLEMENTAL NOTICE is being issued because the Division of Motor Vehicles has revised subsection 2 AAC 90.420(d) and decided to reopen the period for public comment:

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Nichole Tham at 1300 W. Benson Blvd, Ste. 100, Anchorage, Alaska 99503. Additionally, the Division of Motor Vehicles will accept comments by facsimile at 907-269-3774 and by electronic mail at Nichole.tham@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00pm on August 18, 2017.

You may submit written questions relevant to the proposed action to Nichole Tham by email (Nichole.tham@alaska.gov), by facsimile at 907-269-3774 or by mail at 1300 W. Benson Blvd, Ste. 100, Anchorage, Alaska 99503. The questions must be received at least 10 days before the end of the public comment period. The Division of Motor Vehicles will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Division of Motor Vehicles website (<http://doa.alaska.gov/dmv/>). Written comments are public records subject to public inspection.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Nichole Tham by email (Nichole.tham@alaska.gov) or at 907-269-3770 not later than 3:00pm, August 18, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Nichole Tham by email (Nichole.tham@alaska.gov) or at 907-269-3770.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 1300 W. Benson Blvd, Ste. 100, Anchorage, Alaska 99503.

After the public comment period ends, the Division of Motor Vehicles will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 18.65.310; AS 28.05.011; AS 28.15.041; AS 28.15.081; AS 28.15.101; AS 28.15.111; AS 28.15.211
Statutes being implemented, interpreted, or made specific: AS 28.15.101

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

Date:
Marla Thompson, Director
Division of Motor Vehicles

Published: July 28 & 30, 2017

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

288758
#1405499
\$1,269.92

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath
deposes and says that she is
a representative of the
Alaska Dispatch News, a
daily newspaper. That said
newspaper has been approved
by the Third Judicial Court,
Anchorage, Alaska, and it now
and has been published in the
English language continually as a
daily newspaper in Anchorage,
Alaska, and it is now and during
all said time was printed in an
office maintained at the aforesaid
place of publication of said
newspaper. That the annexed is
a copy of an advertisement as it
was published in regular issues
(and not in supplemental form)
of said newspaper on

June 2 & 4, 2017

and that such newspaper was
regularly distributed to its
subscribers during all of said
period. That the full amount of
the fee charged for the foregoing
publication is not in excess of
the rate charged private individuals.

Signed Joleesa Stepetin

Subscribed and sworn to before

me this 5 day of June

2017

Angela M Simmons

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

ANGELA M SIMMONS
NOTARY PUBLIC
State of Alaska
My Commission Expires Apr. 14, 2021

4/14/17

NOTICE OF PROPOSED CHANGES ON APPLICATION AND CONTENT FOR
BOAT CERTIFICATION, COMMERCIAL DRIVER LICENSE, LICENSE
ENDORSEMENTS, EXTENSION OF DRIVER LICENSE EXPIRATION, DEMERIT
POINT SCHEDULE, APPLICATION FOR DRIVER TRAINING SCHOOL, AND
THIRD PARTY TESTER
IN THE REGULATIONS OF DIVISION OF MOTOR VEHICLES

BRIEF DESCRIPTION

The Division of Motor Vehicles proposes to change regulations in Title 2, Chapters 70, 90 and 91 of the Alaska Administrative Code, dealing with application and contents of boat certification, school bus endorsements, license endorsements, adoption by reference Code of Federal Regulations pertinent to Commercial Driver Licenses, demerit point schedule, driver license renewal extension for military personnel and spouses of military personnel, extension of driver license expiration, and applications for driver training school or third party tester licenses including the following

- (1) 2 AAC 70.110 and 2 AAC 70.140 is proposed to be amended with wording changes throughout both of the regulations. The intent is to update the verbiage to current technical terms used by the United States Coast Guard.
- (2) 2 AAC 90.015 is proposed to be amended to decrease the number of finger print records an applicant is required to provide.
- (3) 2 AAC 90.210 is proposed to be amended with wording changes throughout the regulation to clarify endorsement requirements.
- (4) 2AAC 90.230 is proposed to add a new subsection 2 AAC 90.230(f) which cancels a limited license issued to a person who is required to install and use an ignition interlock device, if the person violates the conditions stated under this proposed subsection.
- (5) 2 AAC 90.250 is proposed to adopt by reference four sections of the Code of Federal Regulations, 49 C.F.R. 283.23, 49 C.F.R. 383.25, 49 C.F.R. 383.31, 49 C.F.R. 383.51.
- (6) 2 AAC 90.250(b)(3) and 2 AAC 90.250(b)(4) are proposed to be repealed, removing unnecessary language.
- (7) 2 AAC 90.310 is proposed to be amended by adding a new offense to devices while driving under the

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Hours may vary.
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Work week, min. 35 hours, M-F,
programs and services.
and develops potential
Governance agreements, plans
agreements, coordinates Self-
prepares indirect cost

288758
#1405502
\$607.56

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath
deposes and says that she is
a representative of the
Alaska Dispatch News, a
daily newspaper. That said
newspaper has been approved
by the Third Judicial Court,
Anchorage, Alaska, and it now
and has been published in the
English language continually as a
daily newspaper in Anchorage,
Alaska, and it is now and during
all said time was printed in an
office maintained at the aforesaid
place of publication of said
newspaper. That the annexed is
a copy of an advertisement as it
was published in regular issues
(and not in supplemental form)
of said newspaper on

June 2 & 4, 2017

and that such newspaper was
regularly distributed to its
subscribers during all of said
period. That the full amount of
the fee charged for the foregoing
publication is not in excess of
the rate charged private individuals.

Signed Joleesa Stepetin

Subscribed and sworn to before
me this 5 day of June

20 17

Angela M Simmons

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

4/14/21

ANGELA M SIMMONS
NOTARY PUBLIC
State of Alaska
My Commission Expires Apr. 14, 2021

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Division of Motor Vehicles, Department of Administration
 2. General subject of regulation: Commercial and Non-Commercial Driver Licensing, Driver License examination and third party testing, Boat certification
 3. Citation of regulation (may be grouped): 2 AAC 70.110, 70.140, 90.015, 90.210, 90.230, 90.250, 90.310, 90.420, 90.990, 90.430, 90.435, 91.010 through 91.175, 91.990
 4. Department of Law file number, if any:
 5. Reason for the proposed action:
 Compliance with federal law or action (identify): 49 C.F.R 383.23, 383.25, 383.31, 383.51
 Compliance with new or changed state statute
 Compliance with federal or state court decision (identify):
 Development of program standards
 Other (identify):
 6. Appropriation/Allocation:
 7. Estimated annual cost to comply with the proposed action to:
 A private person: \$0.00
 Another state agency: \$0.00
 A municipality: \$0.00
 8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2017	Subsequent Years
Operating Cost	\$ 0.00	\$0.00
Capital Cost	\$ 0.00	\$0.00

1002 Federal receipts
 1003 General fund match
 1004 General fund
 1005 General fund/program
 Other (identify)
 9. The name of the contact person for the regulation:
 Name: Nichole Tham
 Title: Driver Licensing Manager
 Address: 1300 W. Benson Blvd, Ste 100
 Telephone: 907-269-3770
 E-mail address: Nichole.tham@alaska.gov
 10. The origin of the proposed action:
 Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify):
 11. Date: _____ Prepared by: _____ [signature]
 Name: Marla Thompson
 Title: Director, Division of Motor Vehicles
 Telephone: 907-269-3770
 Published: June 2 & 4, 2017