

Chapter 90. Driver Licensing and Safety Responsibility.

The introductory language of 2 AAC 90.020(b) is amended to read:

(b) The driving examination must be administered in the type of vehicle that the applicant is to operate, and the vehicle must be furnished by the applicant, [OR] the applicant's employer, **or a certified driving school**. The examination **must** [WILL] consist of at least the following maneuvers:

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

Authority: AS 28.05.011 AS 28.15.041 AS 28.15.046

2 AAC 90.420(h)(3) is amended to read:

(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 **two business days** [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 may not allow the use of an autocycle for a road test for a Class D driver's license; 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.

(Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 6/27/2014, Register 210; am 1/12/2018, Register 225; am 1/1/2019, Register 228; am 2/23/2020, Register 233; am ____/____/_____, Register _____)

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

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 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 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 COMMERCIAL DRIVER'S LICENSE ISSUED IN THIS STATE TO A RESIDENT OF THIS STATE WHO IS TEMPORARILY OUT-OF-STATE AND IS UNABLE TO OBTAIN SERVICES IN PERSON.] The department **may** [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; am ____/____/_____, Register _____)

Authority: AS 28.05.011 AS 28.15.011 AS 28.15.101

2 AAC 90.990(a) is amended to read:

(a) Unless the context requires otherwise, in this chapter,

(1) "all-terrain vehicle" has the meaning given in AS 11.46.360(b);

(2) "autocycle" means a three-wheeled motorcycle with 50cc or more engine displacement that is designed to be controlled with a steering wheel and pedals that does not require the operator to straddle or sit astride it, is equipped with safety belts for all occupants and is manufactured to comply with federal safety requirements for motorcycles.

(3) "cc" means cubic centimeters of displacement;

(4) "commercial motor vehicle" has the meaning given in AS 28.90.990;

(5) "department" means the Department of Administration;

(6) "division" means the **Division of Motor Vehicles** [DIVISION OF MOTOR VEHICLES] in the department;

(7) **"driving record" means the records maintained by the division of a person's**

(A) personal information, as that term is defined under

AS 28.10.505(f);

(B) license and permit information and application history;

(C) history of having a driving privilege or license suspended, revoked, cancelled, limited, restricted, or denied, and the reason for that action;

(D) information relating to financial responsibility;

(E) convictions for vehicle, driver, or traffic offenses; and

(F) involvement in any motor vehicle accident

(i) required to be reported to the department; and

(ii) for which the person was found by the department or a court of competent jurisdiction to be liable;

(8) [(7)] "driver's license" or "license" has the meaning given in AS 28.90.990;

(9) [(8)] "electronic batch record" means a group of records retrieved on a daily basis by a commercial agency contracting with the department for electronic access;

(10) [(9)] "electronic transmission" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient of the communication and that may be directly reproduced in paper form by a recipient through an automated process;

(11) [(10)] "GCWR" means "gross combination weight rating" as defined in AS 28.90.990;

(12) [(11)] "GVWR" means "gross vehicle weight rating" as defined in AS 28.90.990;

(13) [(12)] "hearing officer" means an employee of the department appointed by the commissioner under AS 28.05.141;

(14) [(13)] "ignition interlock device" has the meaning given in AS 12.55.102;

(15) [(14)] "interlock provider" means an entity designated by the Department of Corrections under AS 33.05.020 to be a provider of ignition interlock devices;

(16) [(15)] "interstate commerce" means trade, traffic, or transportation in the United States between

(A) a place in a state and a place outside of such state, including a place outside of the United States;

(B) two places in a state through another state or a place outside of the United States; or

(C) two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States;

(17) [(16)] "intrastate commerce" means any trade, traffic, or transportation in any state that is not defined as "interstate commerce" **under** [IN (15) OF] this subsection;

(18) [(17)] "licensee" means an individual who possesses a valid driver's license issued under this chapter;

(19) [(18)] "military personnel" means

(A) active duty military personnel;

(B) current members of the reserves or national guard; and

(C) veterans released from military service within 90 days of the application date;

(20) [(19)] "peace officer" has the meaning given in AS 01.10.060;

(21) [(20)] "residence address" means the address, legal description, or physical description of the person's place of residence;

(22) [(21)] "snowmobile" has the meaning given in AS 28.39.250;

(23) [(22)] "tank vehicle" means a commercial motor vehicle designed to transport liquid or gaseous material within a tank that is permanently or temporarily attached to the vehicle or to the chassis, including a cargo tank vehicle, and a portable tank vehicle other than one with a rated capacity of under 1,000 gallons;

(24) "vehicle age" means the model year of a vehicle, as stated by the manufacturer.

(Eff. 7/1/2006, Register 178; am 1/1/2011, Register 196; am 2/23/2020, Register 233; am
_____/_____/_____, Register _____)

Authority: AS 28.05.011 AS 28.15.041 AS 28.90.990

AS 28.05.061 **AS 28.15.151**

Chapter 91. Driver Training Schools and Instructors.

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) **of** [IN] this section and have accumulated at least **three** [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. (Eff. 7/1/2006, Register 178; am 10/10/2014, Register 212; am 1/12/2018, Register 225; am ____/____/_____, Register _____)

Authority: AS 28.05.041 AS 28.17.011 AS 28.17.041

AS 28.15.081 AS 28.17.031

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

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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 **skills** trained. (Eff. 10/10/2014, Register 212; am 1/12/2018, Register 225; am ____ / ____ / _____, Register _____)

Authority: AS 28.17.011 AS 28.17.031 AS 28.17.041