

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1109

Amending Appellate Rule
603 and Appellate Rule 611.

IT IS ORDERED:

1. A new subparagraph (4) is added to Appellate Rule 603(a) to provide:

(4) *Stay in License Revocation Appeals.*
The court may not stay a license revocation ordered under AS 28.15.166 unless the court finds that there is a reasonable probability that the appellant will prevail on the merits, that the appellant will suffer irreparable harm if the order is not stayed, and, in a case where the appellant operates a commercial motor vehicle, that the public can be adequately protected by conditions imposed by the court.

Existing subparagraph (4) of Appellate Rule 603(a) is renumbered (5).

2. A note is added following Appellate Rule 603 to provide:

AS 28.15.166(n), added by § 3 ch. 77 SLA 1983 and amended by § 10 ch. 119 SLA 1990 and by § 6 ch. 3 SLA 1992, amended Appellate Rule 603 by prohibiting an automatic stay of the administrative revocation of a driver's license pending appeal and by limiting the power of the court to stay the administrative revocation of a driver's license. Subparagraph 603(a)(4) was added by SCO 1109 in order to incorporate the legislative changes to the rule. In the event the legislation mandating the changes is

invalidated by a court of competent jurisdiction, SCO 1109 shall be considered automatically rescinded.

3. A note is added following Appellate Rule 611 to provide:

AS 28.15.166(n), as amended by § 10 ch. 119 SLA 1990, amended Appellate Rule 603 and Appellate Rule 611 by prohibiting an automatic stay of the administrative revocation of a driver's license pending appeal or petition for review and by limiting the power of the court to stay the administrative revocation of a driver's license. AS 28.15.166(n) was also amended by § 6 ch. 3 SLA 1992 to require that the court make an additional finding before staying the revocation of a commercial vehicle license. When the legislature adopted this change, it took the steps necessary to revise Appellate Rule 603 but did not attempt to amend Appellate Rule 611.

Supreme Court Order No. 1109
Effective Date: January 15, 1993
Page 3

DATED: September 17, 1992

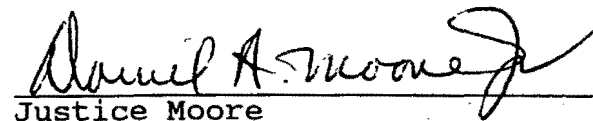
EFFECTIVE DATE: January 15, 1993

Chief Justice Rabinowitz

Justice Burke


Justice Matthews


Justice Compton


Justice Moore