

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invalidated by a court of competent jurisdiction, SCO 1109 shall be considered automatically rescinded.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

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DATED: September 17, 1992

EFFECTIVE DATE: January 15, 1993

Chief Justice Rabinowitz

Justice Burke


Justice Matthews

Justice Compton

Justice Moore