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HB 259 Sectional Analysis Version L

Section 1 on Page 1, line 3 through Page 3, line 4: AS 28.35.251 is repealed and reenacted.

Subsection (a) (1) and (a) (2) on page 1, lines 4 through line 9:

This subsection states that person is guilty of the crime of failure to contain or confine a load in the first degree if, with criminal negligence, they violate (b) and as result, causes serious physical injury to another person or property damage of \$1,000 or more. Criminal negligence applies to the act of the securing the load.

Subsection (b)(1)(A)(i)(ii) and (B) on Page 1, lines 10 through Page 2, line 6:

This subsection specifies that a person commits the offense of failure to contain or confine a load in the second degree if the person drives or moves a motor vehicle loaded with any material on a highway unless it is secured or situated in a way that prevents it from escaping the vehicle or shifting to the extent that the vehicle's maneuverability or stability is adversely affected or the load is treated by methods approved through regulation by the Department of Public Safety that are designed to settle the load or remove loose material before it is driven on a highway.

Subsection (b)(2) on Page 2, lines 7 through 10:

This subsection is an exemption that specifies that a person may drive or move a motor vehicle loaded with sand, gravel, dirt, rock, or similar materials without the securement requirements listed in (b)(1)(A)(i)(ii) and (B) if at least 6 inches of freeboard is maintained around the perimeter of the load or a cover is used and securely fastened.

Subsection (c)(1) on Page 2, lines 11 through 14:

This subsection is an exemption that specifies that the provisions of this act do not apply to a vehicle that deposits sand, liquids, or other materials for the purpose of cleaning, maintaining, or improving traction on the highway.

Subsection (c)(2) on Page 2, lines 15 through 16:

This subsection is an exemption that specifies that the provisions of this act do not apply to the natural accumulation of snow, ice, mud, dirt, or similar materials.

Subsection (c)(3) on Page 2, line 17:

This subsection is an exemption that specifies that the provisions of this act do not apply to a vehicle that is removing snow or hauling snow after removal.

Subsection (d) on Page 2, lines 18 through 20:

This subsection specifies that in prosecution under (a), which is failure to secure a load in the first degree, a person being previously convicted of a violation of this section is prima facie evidence that the person acted with criminal negligence when securing the load.

Subsection (e)(1) on Page 2, lines 21 through 23:

This subsection specifies that failure to secure a load in the first degree is a class A misdemeanor.

Subsection (e)(2)(A), (B), and (D) on Page 2, line 24 through Page 3, line 2:

This subsection specifies that failure to secure a load in the second degree is an infraction punishable by a fine of not more than \$300 on the first offense, \$750 on the second offense, \$1,500 on the third offense, and \$2,500 on the fourth offense. The penalty for the first violation is consistent with current statute.

Subsection (f) on Page 3, lines 3 through 4:

This subsection specifies that criminal negligence in this section has the meaning given in AS 11.81.900.

Section 2 on Page 3, lines 5 through 6. AS 28.35.253 is amended by adding a new subsection:

This subsection is a conforming amendment to reflect the repeal and reenactment of AS 28.35.251 in Section 1 of the bill and the repeal of AS 28.35.255. AS 28.35.255 currently houses the penalties for violations of both AS 28.35.251 and AS 28.35.253. Violating AS 28.35.253 is currently an infraction and there is no substantive change.

Section 3 on Page 3, line 7:

Repeals 28.35.255.