

HOUSE BILL NO. 271

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KELLER AND PRUITT, Gruenberg

Introduced: 1/17/12

Referred: Transportation

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the state highway system and commercial motor vehicle
2 requirements."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 19.10.060(c) is amended to read:

5 (c) **The** [EXCEPT FOR REQUIREMENTS RELATING TO A
6 COMMERCIAL MOTOR VEHICLE DRIVER'S LICENSING PROGRAM UNDER
7 AS 28, THE] department shall adopt regulations under AS 44.62 (Administrative
8 Procedure Act) that are necessary to implement [REQUIREMENTS IMPOSED BY]
9 federal **statutes** [STATUTE] or **regulations** [REGULATION] that relate to
10 commercial motor vehicles [AND THAT ARE NECESSARY TO AVOID LOSS OR
11 WITHHOLDING OF FEDERAL HIGHWAY MONEY].

12 * **Sec. 2.** AS 19.10.300(f)(1) is amended to read:

13 (1) "commercial motor vehicle" means a motor vehicle or a
14 combination of a motor vehicle and one or more other vehicles

(A) used to transport passengers or property for commercial purposes;

(B) used upon a land highway or vehicular way; and

(C) that

(i) has a gross vehicle weight rating or gross combination weight rating greater than 14,000 [26,000] pounds;

(ii) is designed to transport more than 15 passengers, including the driver; or

(iii) is used in the transportation of materials found by the United States Secretary of Transportation to be hazardous for purposes of 49 U.S.C. 5101 - 5128;

(D) except that the following vehicles meeting the criteria in (A) - (C) of this paragraph are not commercial motor vehicles:

(i) emergency or fire equipment that is necessary to the preservation of life or property;

(ii) farm vehicles that are controlled and operated by a farmer; used to transport agricultural products, farm machinery, or farm supplies to or from that farmer's farm; not used in the operations of a common or contract motor carrier; and used within 150 miles of the farmer's farm; and

(iii) [RECREATIONAL] vehicles used exclusively for purposes other than commercial purposes;

* **Sec. 3.** AS 19.10.399(1) is amended to read:

(1) "commercial motor vehicle" means a self-propelled or towed vehicle

(A) used to transport passengers or property for commercial purposes;

(B) used upon a highway or vehicular way; and

(C) that

(i) has a gross vehicle weight rating or gross combination weight rating greater than 14,000 [10,000] pounds;

1 (ii) is designed to transport more than 15 passengers,
2 including the driver; or

3 (iii) is used in the transportation of materials found by
4 the United States Secretary of Transportation to be hazardous for
5 purposes of 49 U.S.C. 5101 - 5128;

6 (D) except that the following vehicles meeting the criteria in
7 (A) - (C) of this paragraph are not commercial motor vehicles:

8 (i) emergency or fire equipment that is necessary to the
9 preservation of life or property;

10 (ii) farm vehicles that are controlled and operated by a
11 farmer; used to transport agricultural products, farm machinery, or farm
12 supplies to or from that farmer's farm; not used in the operations of a
13 common or contract motor carrier; and used within 150 miles of the
14 farmer's farm;

15 (iii) school buses;

16 (iv) vehicles owned and operated by the federal
17 government unless the vehicle is used to transport property of the
18 general public for compensation in competition with other persons who
19 own or operate a commercial motor vehicle subject to AS 19.10.310 -
20 19.10.399, and except to the extent that regulation of vehicles operated
21 by the federal government is permitted by federal law; and

22 (v) vehicles used exclusively for purposes other than
23 commercial purposes;