

ALASKA STATE LEGISLATURE



Interim:
P.O. Box 109
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Session:
State Capitol, Room 406
Juneau, AK 99801-1182
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House Transportation Committee Representative Peggy Wilson District 33

Sectional Analysis HB 378, Driver Licensing

***Section 1:** Amends AS 28.10.041(a)

This section allows DMV the ability to refuse to register a vehicle if the owner has failed to comply with the reporting requirements of 49 CFR 396, and placed out of service by the U.S. Department of Transportation Federal Motor Carrier Administration (FMCSA).

***Section 2:** Amends AS 28.10.051(a)

This section is amended to allow the DMV to suspend or revoke the registration of a vehicle or the carrier has been issued a federal out of service order by the FMCSA pursuant to 49 CFR 386.

***Section 3:** Amends AS 28.10.411(f)

This section is amended to clarify that free vehicle registration for residents 65 years or older or disabled applies to noncommercial vehicles that weigh less than 10,000 pounds, including a passenger vehicle, low speed vehicle, pick-up truck, truck or van, trailer, motorhome or motorcycle.

***Section 4:** Amends AS 28.10.421(b)

This section is repealed and reenacted in conjunction with the modification of AS 28.10.411(f) above to clarify fees for noncommercial vehicles that weigh less than 10,000 pounds. The fees do not change; the section is reconfigured for clarity.

***Section 5:** Amends AS 28.10.421(c)

This section is amended to establish that fees for vehicles except for passenger, low speed, pick-up trucks, trucks or vans, trailers, and motorcycles are based on the weight of the vehicle regardless of whether the vehicle is commercial or noncommercial.

***Section 6:** Amends AS 28.10.421(d)(8)

This section is amended to clarify that no registration fees are charged for amateur mobile radio station vehicles so long as they are a passenger vehicle, low speed vehicle, pick-up truck, truck or van, trailer, or motorcycle.

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***Section 7:** Amends AS 28.10.431(b)

This section is amended to specify the biennial motor vehicle registration taxes (MVRT) for vehicles under 10,000 pounds including passenger vehicles, low speed vehicles, pick-up trucks, trucks or vans, trailers, and motorcycles, motor buses used commercially for transporting tourists, taxicabs, and trailers.

***Section 8:** Amends AS 28.15.051(a)

This section is amended to allow the DMV to issue a noncommercial instruction permit to drive noncommercial vehicles. It also allows a person to obtain an instructional permit for a certain class of license once five years have passed. DMV currently has no mechanism to allow a person who has been issued a license the ability to revert back to an instructional permit if more training is required.

***Section 9:** Amends AS 28.15.051 and adds a new subsection

A section is added to meet federal compliance with 49 CFR 383.71, which will require an applicant for a commercial instruction permit be at least 18 years of age. The current age for a commercial instruction permit is 17. Additionally, the statute is modified to allow for federal compliance with 49 CFR 383.25 by limiting the validity of the instruction permit to no more than 180 days, and a one-time renewal for no more than 180 days. This is a change from the existing 2- year period currently allowed. Furthermore, a 5-year timeframe is added to allow a person to apply for an instructional permit after they have been issued a certain class of license. DMV currently has no means to allow a person who has been issued a license the ability to revert back to an instruction permit.

***Section 10:** Amends AS 28.33.140(a)

This section is amended to allow a commercial driver license permit to be disqualified in the same manner as a commercial driver license if the driver is convicted for crimes including driving under the influence, refusal to submit to a chemical test, leaving the scene of an accident, failing to file, or providing false information following a crash, driving after being placed out of service, operating a commercial vehicle that has been placed out of service, or operating a commercial vehicle belonging to a commercial carrier that has been placed out of service.

***Section 11:** Amends AS 28.33.140(m)

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This section is amended to comply with 49 CFR 384.222, which makes operating a vehicle that has been placed out of service subject to civil penalties.

***Section 12:** Amends AS 28.33.190(16)

This section is amended to comply with 49 CFR 392.80 that adds texting to the list of serious traffic violations for which a CDL license or permit holder could be disqualified.

***Section 13:** Adds a new paragraph to AS 28.90.990
Defines "commercial motor carrier."

***Section 14:** Effective date

Sections 1, 2, and 8-13 relating to federal compliance will take effect at 12:01 A.M. Alaska Standard Time the day after it is signed by the governor.

***Section 15:** Effective date

Sections 3-7 relating to fees take effect January 1, 2015.