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Strasbaugh
4/13/14

SENATE CS FOR CS FOR HOUSE BILL NO. 378(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

"An Act relating to motor vehicle registration; relating to drivers' licenses; relating to instruction permits; relating to commercial motor vehicles and commercial motor carriers; and providing for an effective date."

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

*** Section 1.** AS 28.10.041(a) is amended to read:

(a) The department may refuse to register a vehicle if

(1) the application contains a false or fraudulent statement;

(2) the applicant fails to furnish information required by the department;

(3) the applicant is not entitled to the issuance of a certificate of title or registration under this chapter;

(4) the vehicle is determined to be mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in the state;

(5) the department has reasonable grounds to believe that the vehicle

1 was stolen or fraudulently acquired or that the granting of registration would be a
2 fraud against the rightful owner or other person having a valid lien on [UPON] the
3 vehicle;

4 (6) the registration of the vehicle has been suspended or revoked for
5 any reason under the laws of the state;

6 (7) the required fees or taxes have not been paid;

7 (8) the vehicle or applicant fails to comply with this chapter or
8 regulations implementing this section;

9 (9) the vehicle is without a certificate of inspection required under
10 AS 19.10.310;

11 (10) except for a vehicle to be registered under AS 28.10.152, the
12 vehicle is subject to a state-approved emission inspection program adopted under
13 AS 46.14.400 or 46.14.510, and the vehicle does not meet the standards of that
14 program;

15 (11) the applicant fails to certify to the department the existence of a
16 motor vehicle liability policy that complies with AS 28.22.101 for the vehicle being
17 registered unless the owner of the vehicle qualifies as a self-insurer under
18 AS 28.20.400 or is exempted from obtaining liability insurance under AS 28.22.011;

19 **(12) the applicant is a commercial motor carrier prohibited from**
20 **operating by a federal agency.**

21 * **Sec. 2.** AS 28.10.051(a) is amended to read:

22 (a) The department may suspend or revoke the registration of a vehicle, the
23 certificate of registration or registration plates for a vehicle, or a special permit when

24 (1) the department determines that the registration or certificate, plate,
25 or permit was fraudulently procured or erroneously issued;

26 (2) the department determines that a registered vehicle is mechanically
27 unsafe to be driven or moved on a highway, vehicular way or area, or other public
28 property in this state and the vehicle has been seized or impounded under
29 AS 28.05.091;

30 (3) a registered vehicle has been scrapped, dismantled, or destroyed
31 beyond repair;

(4) the department determines that a required fee or tax has not been paid and the fee or tax is not paid upon reasonable notice and demand;

(5) a registration plate, permit, or certificate is knowingly displayed on [UPON] a vehicle other than the vehicle for which issued;

(6) the department determines that the owner of a vehicle has committed an offense under this chapter involving the registration or the certificate, plate, or permit to be suspended or revoked;

(7) the vehicle has been reported to the department as stolen or unlawfully converted;

(8) the department is otherwise required to do so under the laws of this state;

(9) the department determines that the vehicle owner has violated the requirements of AS 28.10.146 or 28.10.147;

(10) the department determines that a repair to a commercial motor vehicle, ordered by the Department of Transportation and Public Facilities or the Department of Public Safety under regulations adopted under AS 19, was not completed after the owner or operator represented to the Department of Transportation and Public Facilities, the Department of Public Safety, or the Department of Administration that the repair had been completed; [OR]

(11) the owner or operator of a commercial motor vehicle has placed a commercial motor vehicle back in service after it has been placed out of service by the Department of Transportation and Public Facilities or the Department of Public Safety without having it reinspected as required under regulations adopted under AS 19;

(12) the owner or operator is a commercial motor carrier prohibited from operating by a federal agency; or

(13) the commercial motor vehicle is subject to an out-of-service order issued by a state or federal agency.

* **Sec. 3.** AS 28.10.411(f) is amended to read:

(f) A resident 65 years of age or older on January 1 of the year the vehicle is registered or a resident with a disability that limits or impairs the ability to walk and who provides proof of that disability as provided in 23 C.F.R. 1235.2 is entitled to an

exemption from the registration fee required under this section for one vehicle subject to registration under AS 28.10.421(b)(1)(A), (b)(2), (b)(4), or (b)(5) [AS 28.10.421(b)(1), (2), (5), OR (6)]. An exemption may not be granted except upon written application for the exemption on a form prescribed by the department.

* **Sec. 4.** AS 28.10.411 is amended by adding a new subsection to read:

(g) A person who presents satisfactory proof of current membership in the Alaska National Guard is entitled to an exemption from the registration fee required under this section for one vehicle subject to registration under AS 28.10.421(b)(1)(A), (b)(2), or (b)(4). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department.

* **Sec. 5.** AS 28.10.421(b) is repealed and reenacted to read:

(b) The biennial registration fees under this subsection are imposed within the following classifications for

(1) a vehicle not exceeding 10,000 pounds unladen weight as established by the manufacturer's advertised weight or on the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative that is a

(A) passenger vehicle, low-speed vehicle, pick-up truck, truck, or van not used or maintained for the transportation of persons or property for hire or for other commercial use and not registered in the name of a company or business \$100;

(B) a taxicab \$160;

(2) a motor home not used or maintained for the transportation of persons or property for hire or for other commercial use and not registered in the name of a company or business \$100;

(3) a motor bus with a seating capacity of

(A) less than 20 persons and used exclusively for commercial purposes in the transporting of visitors or tourists \$100;

(B) 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists \$300;

(4) a motorcycle or a motor-driven cycle \$60.

(5) a trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including a boat trailer, baggage trailer, box trailer, utility trailer, house trailer, travel trailer, or trailer rented or offered for rent \$30;

* **Sec. 6.** AS 28.10.421(c) is amended to read:

(c) The biennial registration fees under this subsection are imposed **for a vehicle not subject to registration under (b) of this section** and are based **on** [UPON] the actual unladen weight as established by the manufacturer's advertised weight or **on** [UPON] the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, [FOR A VEHICLE, INCLUDING A LOW-SPEED VEHICLE AND A MOTOR VEHICLE PULLING A TRAILER OR SEMI-TRAILER, THAT IS REGISTERED IN THE NAME OF A COMPANY OR BUSINESS, OR IS USED OR MAINTAINED FOR THE TRANSPORTATION OF PASSENGERS FOR HIRE, EXCEPTING TAXICABS AND BUSES UNDER (b) OF THIS SECTION, OR FOR THE TRANSPORTATION OF PROPERTY FOR HIRE OR FOR OTHER COMMERCIAL PURPOSES, INCLUDING A LOW-SPEED VEHICLE, TRUCK, WRECKER, TOW CAR, HEARSE, AMBULANCE, AND TRACTOR,] as follows:

- (1) up to and including 5,000 pounds \$180;
- (2) more than 5,000 pounds to and including 12,000 pounds \$268;
- (3) more than 12,000 pounds to and including 18,000 pounds ... \$516;
- (4) more than 18,000 pounds \$662.

* **Sec. 7.** AS 28.10.421(d)(8) is amended to read:

- (8) an amateur mobile radio station vehicle,
 - (A) with a transceiver capable of less than 5-band operation the fee required for that vehicle under (b) or (c) of this section;
 - (B) in recognition of service to the public a mobile amateur radio station owned by an amateur with general class or higher license, provided the station must be satisfactorily proved capable of operating on at least five bands from 160 through 10 meters, must have an antenna, and must

have a power supply and wiring as a permanent part of the vehicle; the transmitting unit may be removed from the car for service or dry storage

..... none

for a mobile amateur radio station vehicle included in **(b)(1)(A)** [(b)(1) OR (2)] of this section;

* **Sec. 8.** AS 28.10.431(b) is amended to read:

(b) The biennial tax is levied upon motor vehicles subject to the registration fee under AS 28.10.411 and 28.10.421 and is based **on** [UPON] the age of vehicles as determined by model year in the first year of the biennial period, according to the following schedule:

Tax According to Age of Vehicle Since Model Year:								
	1st	2nd	3rd	4th	5th	6th	7th	8th or over
Motor Vehicle								
(1) motorcycle	\$ 17	\$ 15	\$ 13	\$ 10	\$ 7	\$ 5	\$ 4	\$ 4
(2) vehicles specified in <u>AS 28.10.421(b)(1)(A)</u> <u>or (3)(A)</u> [AS 28.10.421(b)(1)]	121	99	77	55	39	28	19	16
(3) vehicles specified in <u>AS 28.10.421(b)(1)(B)</u> [AS 28.10.421(b)(3)]	121	99	77	55	39	28	19	16
(4) vehicles specified in AS 28.10.421(c)(1)-(4)								
5,000 pounds or less	121	99	77	55	39	28	19	16
5,001-12,000 pounds	198	154	121	99	77	55	33	22
12,001-18,000 pounds	447	392	348	304	260	227	205	194
18,001 pounds or over	546	469	403	348	304	260	216	194
(5) vehicles specified in	198	154	121	99	77	55	33	22

AS 28.10.421(b)(3)(B)

[AS 28.10.421(b)(4)]

(6) vehicles specified in	17	15	13	10	7	5	4	4
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AS 28.10.421(b)(5)

[AS 28.10.421(b)(6)]

(7) vehicles specified	121	99	77	55	39	28	19	16
in AS 28.10.421(d)(8)								

(8) [VEHICLES	121	99	77	55	39	28	19	16
SPECIFIED IN								
AS 28.10.421(b)(2)								

(9)] vehicles eligible	88
for dealer	
plates under	
AS 28.10.421(d)(9).	

* **Sec. 9.** AS 28.15.051(a) is amended to read:

(a) Except as provided in (b) of this section, a person who is at least 14 years of age may apply to the department for **a noncommercial** [AN] instruction permit. The department may, after the applicant has successfully passed all parts of the examination under AS 28.15.081 other than the driving test, issue to the applicant an instruction permit. The permit allows a person, while having the permit in the person's immediate possession, to drive a specified **noncommercial** type or class of motor vehicle on a highway or vehicular way or area for a period not to exceed two years. The permittee shall be accompanied by a person at least 21 years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the vehicle and who occupies a seat beside the driver, or who accompanies and immediately supervises the driver when the permittee drives a motorcycle. An instruction permit may be renewed one time. Once a license is issued to drive a specified type or class of motor vehicle, a driver is not eligible to obtain an instructional permit for that specified type or class of motor vehicle **unless five years have passed since the expiration of the license.**

* **Sec. 10.** AS 28.15.051 is amended by adding a new subsection to read:

(f) A person who is at least 18 years of age may apply to the department for a commercial instruction permit. The department may, after the applicant has successfully passed all parts of the examination under AS 28.15.081 other than the driving test, issue to the applicant a commercial instruction permit. The permit allows a person, while having the permit in the person's immediate possession, to drive a specified commercial type or class of motor vehicle on a highway or vehicular way or area for a period not to exceed 180 days. The permittee shall be accompanied by a person at least 21 years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the wheel, and who occupies a seat beside the driver. A commercial instruction permit may be renewed one time for a period of 180 days. Once a license is issued to drive a specified type or class of motor vehicle, a driver is not eligible to obtain a commercial instructional permit for that specified type or class of motor vehicle unless

(1) five years have passed since the expiration of the previous license;

or

(2) the commercial instruction permit is obtained for the purpose of adding an endorsement to a current class of commercial license.

* **Sec. 11.** AS 28.33.140(a) is amended to read:

(a) In addition to any court action or administrative action in this or any other jurisdiction, conviction of a person who holds or is required to have a commercial driver's license **or commercial instruction permit** of any of the following offenses is grounds for immediate disqualification from driving a commercial motor vehicle for the periods set out in this section:

(1) operating a commercial motor vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance in violation of AS 28.33.030;

(2) refusal to submit to a chemical test in violation of AS 28.35.032;

(3) operating a motor vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance in violation of AS 28.35.030;

(4) leaving the scene of an accident in violation of AS 28.35.060, or failing to file, or providing false information in, an accident report in violation of AS 28.35.110;

(5) a felony under state or federal law that was facilitated because the person used a motor vehicle;

(6) a serious traffic violation;

(7) **taking one of the following actions** [DRIVING AFTER BEING PLACED OUT OF SERVICE] in violation of regulations adopted under AS 19.10.060(c) or AS 28.05.011:

(A) driving after being placed out of service; or

(B) operating a commercial vehicle that has been placed out of service;

(8) operating a commercial motor vehicle in violation of a federal or state statute or regulation, or a local law or ordinance, relating to railroad-highway grade crossings;

(9) operating a commercial motor vehicle while the driver's commercial motor vehicle license is suspended, revoked, or canceled, or the driver is disqualified;

(10) causing a fatality through the negligent operation, or operation in violation of a felony criminal law, of a commercial motor vehicle.

* **Sec. 12.** AS 28.33.140(m) is amended to read:

(m) A person who violates the standards for operating a commercial motor vehicle **or who knowingly operates a commercial motor vehicle that has been placed out of service as** set out by the department in regulation is subject to civil penalties established by the department in regulation. An employer who knowingly allows an employee to drive in violation of an out-of-service order or in violation of a railroad-highway grade crossing is subject to civil penalties as described in 49 U.S.C. 521(b) as established by the department in regulation. The department may adopt regulations under AS 44.62 to implement this subsection. The regulations adopted under this subsection must be substantially similar to any applicable federal regulations. In this subsection, "knowingly [.]" has the meaning given in AS 11.81.900.

* **Sec. 13.** AS 28.33.190(16) is amended to read:

(16) "serious traffic violation" means

(A) speeding 15 miles per hour or more above the posted limit;

(B) reckless or negligent driving, in violation of AS 28.35.400 or 28.35.410 or an ordinance with substantially similar elements;

(C) violation of a provision of this title, or a regulation adopted under this title, relating to improper lane changes or following too closely, or an ordinance with substantially similar elements;

(D) violation of a law or ordinance relating to traffic control, which was determined by the court by a preponderance of the evidence to have been a factor in causing physical injury to a person;

(E) driving a commercial motor vehicle without obtaining a license to drive a commercial motor vehicle;

(F) driving a commercial motor vehicle without a license to drive a commercial motor vehicle in the driver's possession; however, if an individual provides proof to the department by the date that the individual was required to appear in court or pay any fine for that violation that the individual held a valid license to drive a commercial motor vehicle on the date the citation was issued, the driving may not be considered as a serious traffic violation under this paragraph; [OR]

(G) driving a commercial motor vehicle without the proper class of license to drive a commercial motor vehicle and any required endorsements for the specific vehicle group being operated, or for the passengers or type of cargo being transported; or

(H) driving a commercial motor vehicle in violation of AS 28.35.161.

* **Sec. 14.** AS 28.90.990(a) is amended by adding a new paragraph to read:

(31) "commercial motor carrier" means a person that provides transportation for compensation, or that provides a vehicle to a person or entity that provides transportation for compensation, including the person's agents, officers, representatives, employees responsible for hiring, supervising, training, assigning, or dispatching of drivers, and employees overseeing the safety, installation, inspection, and maintenance of motor vehicle equipment and accessories.

1 * **Sec. 15.** Sections 1, 2, and 9 - 14 of this Act take effect immediately under
2 AS 01.10.070(c).

3 * **Sec. 16.** Sections 3 - 8 of this Act take effect January 1, 2015.