

CS FOR HOUSE BILL NO. 83(STA) am S
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Amended: 5/7/97

Offered: 3/26/97

Sponsor(s): REPRESENTATIVE MARTIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to regulation of commercial vehicles; and providing for an
2 effective date."

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

4 * Section 1. AS 19.10.300, enacted by Executive Order 98, is amended by adding a new
5 subsection to read:

6 (g) A person operating a commercial motor vehicle shall carry proof of
7 insurance. If a person operating a commercial motor vehicle is involved in an accident
8 with another person, the person operating the commercial vehicle shall display the
9 proof of insurance required under this subsection to the other person. In this
10 subsection, "proof of insurance" means a certificate of self-insurance issued by the
11 department under AS 28.20.400, or a card issued by an insurer authorized to transact
12 insurance in this state that indicates that the person is insured as required by this
13 section, that contains local or toll free telephone numbers for filing or receiving claim
14 information, and that indicates the name and address of the insurer.

* **Sec. 2.** AS 19.10.310 is amended to read:

Sec. 19.10.310. Commercial motor vehicle safety inspections. A commercial motor vehicle may not be operated [AFTER JANUARY 1, 1986] without a certificate of inspection. An owner or operator of a commercial motor vehicle shall renew a certificate of inspection at least annually as required by law. An owner or operator of a commercial motor vehicle shall provide proof of annual inspection upon demand of a peace officer or employee of the department authorized by the commissioner to enforce this section [SEMI-ANNUALLY AT AN OFFICIAL INSPECTION STATION UNDER AS 19.10.320. THE OWNER MAY RENEW A CERTIFICATE OF INSPECTION AT ANY TIME DURING THE OFFICE HOURS OF THE INSPECTION STATION. AN OWNER OF A COMMERCIAL MOTOR VEHICLE SHALL DISPLAY A CURRENT STICKER OF INSPECTION VISIBLE FROM OUTSIDE THE VEHICLE IN A LOCATION DETERMINED BY THE DEPARTMENT].

* **Sec. 3.** AS 19.10.340 is repealed and reenacted to read:

Sec. 19.10.340. Issuance of certificate of inspection. A person conducting annual commercial motor vehicle inspections under AS 19.10.310 shall issue a certificate of inspection to the owner or operator after determining the motor vehicle is in a safe and mechanically sound condition as required by law. The owner or operator of a commercial motor vehicle shall keep a record of the annual inspection of the vehicle. A peace officer or employee of the department authorized by the commissioner to enforce AS 19.10.310 - 19.10.399 may audit the records of a person who performs safety inspections at any time during regular business hours.

* **Sec. 4.** AS 19.10 is amended by adding a new section to read:

Sec. 19.10.365. Adoption of federal inspection, repair, and maintenance requirements. A person operating a commercial motor vehicle in this state shall comply with the provisions of 49 C.F.R. 396, as those provisions existed on October 31, 1996, regulating the inspection, repair, and maintenance of commercial motor vehicles. For purposes of this section, the term "interstate" as used in 49 C.F.R. 396, includes intrastate operation of a commercial motor vehicle.

* **Sec. 5.** AS 19.10.380 is amended to read:

1 **Sec. 19.10.380. Civil [CRIMINAL] penalty. Notwithstanding AS 19.45.002**
 2 **and except as provided in (b) of this section, a** [A] person who violates a provision
 3 of AS 19.10.310 - 19.10.399 is **subject to a civil penalty of up to \$20,000** [GUILTY
 4 OF A CLASS B MISDEMEANOR].

5 * **Sec. 6.** AS 19.10.380 is amended by adding a new subsection to read:

6 (b) A person who violates AS 19.10.365 is subject to a civil penalty of up to
 7 \$500.

8 * **Sec. 7.** AS 19.10 is amended by adding a new section to read:

9 **Sec. 19.10.395. Affirmative defense to prosecution.** In a prosecution for a
 10 violation of a provision of AS 19.10.310 - 19.10.399, it is an affirmative defense that
 11 the act or omission is not a violation under federal law.

12 * **Sec. 8.** AS 19.10.399(1) is amended to read:

13 **Sec. 19.10.399. Definitions.** In AS 19.10.300 - 19.10.399,

14 (1) "commercial motor vehicle" means a **self-propelled or towed**
 15 [MOTOR] vehicle [OR A COMBINATION OF A MOTOR VEHICLE AND ONE OR
 16 MORE OTHER VEHICLES]

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

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

20 (C) that

21 (i) has a gross vehicle weight rating or gross
 22 combination weight rating greater than 10,000 pounds;

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

25 (iii) is used in the transportation of materials found by
 26 the United States Secretary of Transportation to be hazardous for
 27 purposes of 49 U.S.C. 1801 - 1813 (Hazardous Materials Transportation
 28 Act);

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

31 (i) emergency or fire equipment that is necessary to the

1 preservation of life or property;

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

7 (iii) school buses;

8 (iv) vehicles owned and operated by the federal
9 government unless the vehicle is used to transport property of the
10 general public for compensation in competition with other persons who
11 own or operate a commercial motor vehicle subject to AS 19.10.310 -
12 19.10.399, and, except to the extent that regulation of vehicles operated
13 by the federal government, is permitted by federal law; and

14 (v) vehicles used exclusively for purposes other than
15 commercial purposes;

16 * **Sec. 9.** AS 19.10.060(c), 19.10.320, 19.10.330, 19.10.350, 19.10.360, and 19.10.370 are
17 repealed.

18 * **Sec. 10.** This Act takes effect July 1, 1997.