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REPRESENTATIVE LOUISE STUTES

District 32

Kodiak-Cordova-Yakutat

E-Mail: Rep.Louise.Stutes@akleg.gov

Session:
Alaska State Capitol, #406
Juneau, AK 99801

Phone: (907) 465-2487
Fax: (907) 465-4956
Free: (800) 865-2487

Interim:
305 Center Avenue, Suite 1
Kodiak, AK 99615
Phone: (907) 486-8872
Fax: (907) 486-5264

Sectional Analysis HB 259 ver T

Section 1 on Page 1, line 3 through Page 2, line 8. AS 28.35.251(a) is amended:

Subsections (a), (a)(1)(A), (a)(1)(A)(i), and (a)(1)(A) (ii) on Page 1, lines 4 through 12:

These subsections specify that a person may not drive or move 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.

Subsection (a)(B) on Page 1, line 13 through Page 2, line 4:

This subsection is an exemption that specifies that a person may drive or move a motor vehicle loaded with any material without the securement requirements listed in (a), (a)(1)(A), (a)(1)(A)(i), and (a)(1)(A)(ii) if 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 (a)(2) on Page 2, lines 5 through 8:

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

Section 2 on Page 2, lines 9 through 30. AS 28.35.251 is amended to add new subsections:

Subsection (c)(1) on Page 2, lines 10 through 13:

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 14 through 15:

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.

Subsections (d)(1)(A) and (B) on Page 2, lines 17 through 21:

These subsections specify that a person who violates (a) is guilty of a Class A misdemeanor on the fourth offense or on the first offense if it results in the physical injury of another.

Subsection (d)(2) on Page 2, lines 22 through 24:

This subsection specifies that a person who violates (a) of this section is guilty of a Class B misdemeanor on the third offense.

Subsection (d)(3)(A) on Page 2, lines 25 through 28:

This subsection specifies that a person who violates (a) of this section is guilty of an infraction on the second offense. This is punishable by a fine of not more \$600.

Subsection (d)(3)(B) on Page 2, lines 29 and 30:

This subsection specifies that a person who violates (a) of this section is guilty of an infraction on the first offense. This is punishable by a fine of not more \$300. This amount is consistent with the current fine.

Section 3 on Page 2, line 31 through Page 3, line 1. AS 28.35.253 is amended by adding a new subsection:

Specifies that a violation of this section is an infraction. It is an infraction currently and this section is a conforming amendment to reflect the repeal of AS 28.35.251(b) and 28.35.255 in Section 4. AS 28.35.255 housed the penalty for both statutes and the bill changes it so that the penalties are within the individual statutes. There is no substantive change.

Section 4 on Page 3, line 2:

Repeals AS 28.35.251(b) and 28.35.255.