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Explanation of Changes Versions O(introduced), to M (HTRA), to Y(HJUD), to Y.A (House Amended)

1. HTRA version M: Page 2, line 14

Removed the exemption for the transportation of hazardous materials. This initially was in the bill to align with federal commercial vehicle regulations, but it created a loophole.

2. HTRA version M: Page 2, line 16

Exempted vehicles that are removing snow or hauling snow after removal from the bill

3. HTRA version M: Page 2, line 20

Changed “physical injury” to “serious physical injury” as an aggravator that raises a violation to a Class A misdemeanor

4. HTRA version M: Page 2, lines 28 through 31

Changed the penalty for an infraction to be punishable by a fine of not more than \$300 on the first offense and \$600 on the second offense. In the previous version of the bill, it had been \$600 on the first offense and \$1,200 on the second offense. In both versions, the third offense is a Class B misdemeanor and the fourth offense is a Class A misdemeanor.

5. HJUD version Y: Page 1, lines 4 through 7

A mental state of “criminal negligence” was added as an aggravator regarding whether a violation that resulted in serious physical injury to another person would be raised to the level of a Class A misdemeanor. This was a strict liability offense in the original version of the bill and did not consider a mental state. Criminal negligence applies to the act of the securing the load.

6. HJUD version Y: Page 1, lines 8 through 10

When a load is secured with criminal negligence, property damage of \$5,000 or more was added as an aggravator that would raise the offense to the level of a Class B misdemeanor. Property damage was not an aggravating factor in the original version of the bill.

7. HJUD version Y: Page 2, lines 19 and 20

Added an exemption for random litter escaping a vehicle. Litter is defined in the paragraph as plastic wrappers, empty plastic bags, leaves, paper, or similar soft materials. “Random” modifies “litter” to clarify that a load of litter is not exempted.

8. HJUD version Y: Page 2, lines 21 through 23

Added that in a prosecution under a Class A misdemeanor or a Class B misdemeanor in the above #5 and #6, a person being convicted in the preceding 10 years of a simple violation is *prima facie* evidence that the person acted with criminal negligence when securing the load. This was not in the original version of the bill. *Prima facie* is a rebuttable presumption.

9. HJUD Version Y: Page 2, line 29 through Page 3, line 6

Changed the penalty for an infraction, which is a violation without an aggravator, to be punishable by a fine of not more than \$300 on the first offense, \$750 on the second offense, \$1,500 on the third offense, and \$2,500 on the fourth offense. In the previous version of the bill, it was \$300 on the first offense, \$600 on the second offense, a Class B misdemeanor on the third offense, and a Class A misdemeanor on the fourth offense.

10. HJUD Version Y: Page 3, lines 7 and 8

Clarified that “criminal negligence” has the meaning in AS 11.81.900

11. HJUD House Amended Version Y.A: Page 2, line 4 and 8

Deleted “or” and inserted “and” on both lines.

This closed a loophole through which the requirements on Page 1, line 15 through Page 2, line 3 that a load must be contained or confined to prevent it from dropping, leaking, or escaping could be superseded. In other words, you could comply with (c)(1)(B) or (c)(2) on Page 2, lines 5 through 12 and no longer be required to confine or contain the load as specified in (c)(1)(A)(i)(ii). That was not the intent of the bill.