

27-LS1158V

Martin

2/10/12

CS FOR HOUSE BILL NO. 271()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY**Offered:****Referred:****Sponsor(s): REPRESENTATIVES KELLER AND PRUITT, Gruenberg****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to the state highway system and commercial motor vehicle
2 requirements."

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

4 * **Section 1.** AS 19.10.060(c) is amended to read:

5 (c) Except for requirements relating to a commercial motor vehicle driver's
6 licensing program under AS 28, the department shall adopt regulations under
7 AS 44.62 (Administrative Procedure Act) that are necessary to implement
8 [REQUIREMENTS IMPOSED BY] federal statutes [STATUTE] or regulations
9 [REGULATION] that relate to commercial motor vehicles [AND THAT ARE
10 NECESSARY TO AVOID LOSS OR WITHHOLDING OF FEDERAL HIGHWAY
11 MONEY].

12 * **Sec. 2.** AS 19.10.300(f)(1) is amended to read:

13 (1) "commercial motor vehicle" means a motor vehicle or a
14 combination of a motor vehicle and one or more other vehicles

(A) used to transport passengers or property for intrastate commercial purposes;

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

(C) that

(i) has a gross vehicle weight rating or gross combination weight rating greater than 26,000 pounds; or

(ii) is designed to transport more than 15 passengers, including the driver; [OR

(iii) IS USED IN THE TRANSPORTATION OF MATERIALS FOUND BY THE UNITED STATES SECRETARY OF TRANSPORTATION TO BE HAZARDOUS FOR PURPOSES OF 49 U.S.C. 5101 - 5128;]

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

(i) emergency or fire equipment that is necessary to the preservation of life or property;

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

(iii) [RECREATIONAL] vehicles used exclusively for purposes other than commercial purposes;

* **Sec. 3.** AS 19.10.399(1) is amended to read:

(1) "commercial motor vehicle" means a self-propelled or towed vehicle

(A) used to transport passengers or property for intrastate commercial purposes;

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

(C) that

(i) has a gross vehicle weight rating or gross

1 combination weight rating greater than 14,000 [10,000] pounds; **or**

2 (ii) is designed to transport more than 15 passengers,
3 including the driver; [OR

4 (iii) IS USED IN THE TRANSPORTATION OF
5 MATERIALS FOUND BY THE UNITED STATES SECRETARY OF
6 TRANSPORTATION TO BE HAZARDOUS FOR PURPOSES OF 49
7 U.S.C. 5101 - 5128;]

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

10 (i) emergency or fire equipment that is necessary to the
11 preservation of life or property;

12 (ii) farm vehicles that are controlled and operated by a
13 farmer; used to transport agricultural products, farm machinery, or farm
14 supplies to or from that farmer's farm; not used in the operations of a
15 common or contract motor carrier; and used within 150 miles of the
16 farmer's farm;

17 (iii) school buses;

18 (iv) vehicles owned and operated by the federal
19 government unless the vehicle is used to transport property of the
20 general public for compensation in competition with other persons who
21 own or operate a commercial motor vehicle subject to AS 19.10.310 -
22 19.10.399, and except to the extent that regulation of vehicles operated
23 by the federal government is permitted by federal law; and

24 (v) vehicles used exclusively for purposes other than
25 commercial purposes;