



LAWS OF ALASKA

1985

Source

CCSHB 133

Chapter No.

104

AN ACT

Relating to transportation safety and financial responsibility; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 12, 1985
Actual Effective Date: June 13, 1985

AN ACT

Relating to transportation safety and financial responsibility; and providing for an effective date.

* Section 1. AS 28.10.041(a) is amended by adding a new paragraph to read:

(9) the vehicle is without a certificate of inspection required under AS 28.32.010.

* Sec. 2. AS 28.15.041 is amended by adding a new subsection to read:

(c) A person may not drive a commercial motor vehicle until the person applies for and is issued a license for that purpose under (a) of this section. The department may not issue a license under this subsection unless the applicant is at least 19 years of age, has held a valid driver's license at least one year, and has successfully completed all required driving tests and written and physical examinations. In this subsection, "commercial motor vehicle" has the meaning given in AS 28.32.900.

* Sec. 3. AS 28 is amended by adding a new chapter to read:

CHAPTER 32. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS.

Sec. 28.32.010. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS. A commercial motor vehicle may not be operated after January 1, 1986 without a certificate of inspection. An owner of a commercial motor vehicle shall renew a certificate of inspection at least semi-annually at an official inspection station under AS 28.32.030. The owner may

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1 renew a certificate of inspection at any time during the office hours
2 of the inspection station. An owner of a commercial motor vehicle
3 shall display a current sticker of inspection visible from outside the
4 vehicle in a location determined by the division.

5 Sec. 28.32.020. EXEMPTIONS. A commercial motor vehicle is
6 exempt from the requirements of AS 28.32.010 if it is

7 (1) owned and operated by the federal government unless the
8 vehicle is used to transport property of the general public for com-
9 pensation in competition with other persons who own or operate a
10 commercial motor vehicle subject to this chapter, and except to the
11 extent regulation of vehicles operated by the federal government is
12 permitted by federal law;

13 (2) used exclusively to transport ranch and farm products
14 other than bulk milk; or

15 (3) customarily and historically used for commercial
16 purposes for less than 20 hours per month.

17 Sec. 28.32.030. OFFICIAL COMMERCIAL MOTOR VEHICLE INSPECTION
18 STATIONS. (a) A person may not operate an official commercial motor
19 vehicle inspection station without a permit from the division. The
20 division shall approve an application for permit to operate an in-
21 spection station if

22 (1) the division determines the inspection station has
23 proper equipment and competent personnel; and

24 (2) a commercial motor vehicle inspector certified under
25 AS 28.32.040 is employed at the inspection station.

26 (b) After the division approves an application for a permit to
27 operate an official inspection station under (a) of this section, it
28 shall provide the applicant with a permit and certificates of inspec-
29 tion.

1 (c) Upon receipt of a permit from the division under (b) of this
2 section, the operator of an official commercial motor vehicle inspec-
3 tion station shall post the permit in a conspicuous place at the
4 location designated by the division.

5 (d) The division may enter the premises of the operator of an
6 official commercial motor vehicle inspection station during the
7 station's business hours to inspect the work of a certified commercial
8 motor vehicle inspector or to determine if the operator continues to
9 meet the requirements of this section.

10 (e) The division shall suspend or revoke a permit of an operator
11 of an official commercial motor vehicle inspection station if the
12 operator fails to meet the requirements of this section.

13 (f) Upon notice of suspension or revocation of a permit under
14 (e) of this section, the operator of an official commercial motor
15 vehicle inspection station shall immediately terminate all inspection
16 activities and, on demand by the division, return the permit and all
17 unissued certificates of inspection. The division shall issue a
8 receipt for all returned certificates of inspection.

9 (g) If a permit is suspended or revoked under (e) of this sec-
0 tion, the division shall give the holder of the permit a hearing
1 within 10 days after receipt of a written request filed with the
2 division within 30 days after suspension or revocation.

3 (h) A permit to operate an official commercial motor vehicle
4 inspection station may not be assigned, transferred, or used at a
5 location other than the location designated by the division.

6 Sec. 28.32.040. CERTIFICATION OF COMMERCIAL MOTOR VEHICLE IN-
7 SPECTORS. (a) A person may not conduct a commercial motor vehicle
8 inspection at an official inspection station under AS 28.32.030 unless
9 certified as a commercial motor vehicle inspector by the division.

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(b) The division may suspend or revoke the certification issued to a commercial motor vehicle inspector under (a) of this section if the commercial motor vehicle inspector improperly conducts inspections or fails to comply with a provision of this section.

(c) If a certificate is revoked or suspended under (b) of this section the division shall give a commercial motor vehicle inspector a hearing within 10 days after the receipt of a written request filed with the commissioner within 30 days after revocation or suspension.

Sec. 28.32.050. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A person operating an official commercial motor vehicle inspection station shall issue a certificate of inspection to the owner of a commercial motor vehicle after determining that the commercial motor vehicle is in a safe and mechanically sound condition.

(b) A person operating an official commercial motor vehicle inspection station shall keep a record of each inspection performed at the station. The division may audit the records of an official inspection station at any time.

Sec. 28.32.060. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.

(a) A person may not represent a place as an official commercial motor vehicle inspection station unless the station is operating under a valid permit issued by the division under AS 28.32.030.

(b) A person may not issue a certificate of inspection under AS 28.32.050 unless the person holds a valid permit under AS 28.-32.030.

Sec. 28.32.070. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A person may not make, issue, or knowingly use an imitation or counterfeit of an official certificate of inspection.

(b) A person may not knowingly display or issue a certificate of inspection on a commercial motor vehicle unless the commercial

motor vehicle has met the requirements of AS 28.32.050(a).

Sec. 28.32.080. DUTIES OF COMMISSIONER. The commissioner of public safety shall adopt procedural regulations appropriate to achieve compatibility with other western states and procedural regulations necessary to implement this chapter.

Sec. 28.32.090. VIOLATION A MISDEMEANOR. A person who violates a provision of this chapter is guilty of a class B misdemeanor.

Sec. 28.32.900. DEFINITIONS. In this chapter,

(1) "commercial motor vehicle" means a vehicle used by the owner or another person for commercial purposes upon a highway or vehicular way with a daily traffic volume greater than 499 that is a part of the state highway system or is connected by another highway or vehicular way to the state highway system, if the vehicle is

(A) a school bus;

(B) a state or local government vehicle of more than 10,000 pounds unladen gross weight;

(C) a truck or bus of more than 10,000 pounds unladen gross weight; or

(D) a trailer of 5,000 pounds or more unladen gross weight attached to a vehicle described in (C) of this paragraph;

(2) "commercial purposes" means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation but are incidental to and done in furtherance of the person's primary business;

(3) "division" means the division of motor vehicles, Department of Public Safety.

* Sec. 4. AS 28 is amended by adding a new chapter to read:

CHAPTER 33. COMMERCIAL MOTOR VEHICLE FINANCIAL RESPONSIBILITY.

Sec. 28.33.010. FINANCIAL RESPONSIBILITY. (a) A person who

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carries passengers or freight for hire intrastate in a commercial motor vehicle or a person who carries freight in a motor vehicle for commercial purposes, or a person who rents or leases a motor vehicle for the use of another to carry freight shall procure and maintain security in the following minimum amounts:

- (1) \$200,000 for property damage in a single occurrence;
- (2) \$500,000 for bodily injury or death in a single occurrence.

(b) Evidence of security required under (a) of this section shall be filed with the department and must be

(1) a policy or certificate of insurance issued by an insurer acceptable to the department; or

(2) a bond of a surety company licensed to write surety bonds in the state; or

(3) evidence accepted by the department, showing ability to self-insure; or

(4) other security approved by the department.

(c) The department may authorize department personnel to enforce this section and may adopt procedural regulations necessary to implement this section.

(d) A policy of insurance, surety bond, or other form of security may not be cancelled on less than 30 days' written notice to the department. This requirement must be clearly stated in the policy or endorsement for an insurance policy submitted as proof of financial responsibility under AS 42.30.225(a)(1). The 30-day notice period is measured from the date on which the department receives notice.

(e) A person who violates (a) of this section is guilty of a class B misdemeanor and is punishable by a fine of not less than \$500 or more than \$1,000.

(f) In this section "freight" means commodities, articles, and cargo, of whatever nature or value.

* Sec. 5. AS 42.30.200 is amended to read:

Sec. 42.30.200. AIR CARRIER FINANCIAL RESPONSIBILITY. (a) A person who carries passengers or freight for commercial purposes [HIRE] intrastate in an aircraft shall procure and maintain security in the following minimum amounts:

(1) \$150,000 per seat for bodily injury or death in a single occurrence; and

(2) \$100,000 for property damage in a single occurrence [AN AMOUNT DETERMINED BY THE DEPARTMENT OF PUBLIC SAFETY AS NECESSARY FOR THE REASONABLE PROTECTION OF THE PUBLIC AGAINST DAMAGES OR INJURY CAUSED BY THE PERSON].

(b) Evidence of security required under (a) of this section shall be filed with the department and must be

(1) a policy or certificate of insurance issued by an insurer acceptable to the department; or

(2) a bond of a surety company licensed to write surety bonds in the state; or

(3) evidence accepted by the department, showing ability to self-insure; or

(4) other security approved by the department.

(c) The department may authorize department personnel [ENFORCEMENT OFFICERS] to enforce this section and may adopt procedural regulations necessary to implement this section.

* Sec. 6. AS 42.30.200 is amended by adding new subsections to read:

(d) A policy of insurance, surety bond, or other form of security may not be cancelled on less than 30 days' written notice to the department. This requirement must be clearly stated in the policy or

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endorsement for an insurance policy submitted as proof of financial responsibility under AS 42.30.225(a)(1). The 30-day notice period is measured from the date on which the department receives notice.

(e) A person who violates (a) of this section is guilty of a class B misdemeanor and is punishable by a fine of not less than \$500 or more than \$1,000.

* Sec. 7. AS 42.30 is amended by adding new sections to read:

Sec. 42.30.225. CERTIFICATION OF COMPLIANCE OF AIR CARRIERS.

(a) A person may not use an aircraft in air commerce before obtaining an annual certificate of compliance for that aircraft from the department. The department shall issue or renew a certificate of compliance upon application and presentation of

(1) proof of financial responsibility required under AS 42.30.200;

(2) proof of compliance with Federal Aviation Administration requirements, and, where applicable, federal certification for scheduled airline service.

(b) The annual fee for a certificate of compliance is \$50. The certificate is valid for a period of 12 months following the date of certification. The certificate shall be displayed on the aircraft so that it is visible to boarding passengers.

(c) Use of an aircraft in air commerce before obtaining a certificate of compliance required under (a) of this section may be cause for denial of the certificate.

(d) A person who has obtained a certificate to use an aircraft in air commerce from the Alaska Transportation Commission before the effective date of this Act is not required to obtain a certificate of compliance under (a) of this section until the date the insurance policy for the aircraft is renewed.

(e) The department may authorize department personnel to enforce this section and may adopt procedural regulations necessary to implement this section.

Sec. 42.30.380. DEFINITIONS. (a) In AS 42.30.200 - 42.30.380,

(1) "air carrier" means a person undertaking to engage in air commerce, whether directly or indirectly, or by lease, contract, or any other arrangement, and whether over regular or irregular routes;

(2) "air commerce" means carriage by aircraft of persons or freight for commercial purposes or hire in intrastate commerce, including the carriage by aircraft of persons or freight that move partly by aircraft and partly by other forms of transportation;

(3) "aircraft" means a propeller or jet-powered device used or designed for flight in the air;

(4) "commercial purposes" means activities for which the person receives direct monetary compensation and does not include activities incidental to and done in furtherance of the person's primary business;

(5) "department" means the Department of Commerce and Economic Development;

(6) "freight" means commodities, articles, and cargo, of whatever nature or value, excluding garbage and trash.

* Sec. 8. AS 44.33.020 is amended by adding a new paragraph to read:

(27) implement the safety and financial responsibility requirements for air carriers under AS 42.30.200 - 42.30.380.

* Sec. 9. This Act takes effect immediately in accordance with AS 01.-10.070(c).