



# LAWS OF ALASKA

1968

Source

Chapter No.

HB 689 am S

203

## AN ACT

Relating to the regulation and certification of air carrier;  
and providing for an effective date.

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

\* Section 1. AS 02.05.040 is amended to read:

Sec. 02.05.040. CERTIFICATES REQUIRED. Subject to the provisions of sec. 50 of this chapter, no person may engage in air commerce unless there is in force a certificate issued by the commission authorizing that person to engage in air commerce as a scheduled carrier, contract carrier, or air taxi operator.

\* Sec. 2. AS 02.05.050(a) is amended to read:

(a) Scheduled carriers. Any person holding a certificate of public convenience and necessity issued under the provisions of this chapter or issued before March 2, 1960, under federal statutory authority authorizing intrastate air commerce inside the state,

(1) may engage in air commerce along the routes and between the points covered by his certificate or any amendments as authorized before March 2, 1960, or as may be authorized under the provisions of this chapter, and may engage in air commerce along the routes and between the points covered by an exemption, regulation, or order in effect before March 2, 1960, or as issued under the provisions of this chapter;

(2) may make charter trips and render other special services between points on routes which he is authorized by his certificate to serve. Charter trips and other special services may be rendered to or from any other point inside or outside the state if those trips originate

at or are destined to a point on a route the carrier is authorized by its certificate to serve.

\* Sec. 3. AS 02.05.050(d)(2) is amended to read:

(2) he shall comply with the conditions and limitations contained in secs. 293.1, 293.2, 293.3 and 293.17(a) of Part 293 of the Economic Regulations of the Federal Civil Aeronautics Board, adopted December 30, 1958, and made effective February 3, 1959, subject to the following modifications of the provisions contained in those sections: (A) except as provided in (C) of this subsection an Alaska air taxi operator may utilize in air transportation in all areas of the state aircraft having a "maximum certificate take off weight" (as that term is defined in sec. 293.1 of the said Economic Regulations) of 12,500 pounds or less; (B) an Alaska air taxi operator is authorized both to employ or hire pilots and to lease, rent, and own aircraft without limitation as to number, but a person who has not received authority under this chapter may not operate under another person's air taxi operator certificate of authority; (C) an air taxi operator may charge individual passenger fares and per pound cargo rates on bush routes or points served by him on an irregular basis; provided that the individual passenger fares and per pound cargo rates may not be less than the published tariff of the scheduled carrier between points served by the carrier,

\* Sec. 4. AS 02.05.055 is amended to read:

Sec. 02.05.055. PUBLIC CONVENIENCE AND NECESSITY REQUIRED FOR OPERATION OF DIFFERENT TYPES OF AIRCRAFT. Before a certificated contract or air taxi operator may operate a different type of aircraft than that which he operated in Alaska during the period of May 1, 1965, to May 1, 1966, there must be a finding by the commission that public convenience and necessity require it.

\* Sec. 5. AS 02.05.070(b) is amended to read:

(b) Upon the receipt of an application for a certificate, the commission shall give notice (1) to the public by posting a notice of the application in the office of the commission; and (2) to those persons, and by such means as the commission determines by regulation. A public hearing shall be held on the application if the applicant, or a person having a substantial interest in the proceeding, requests it within the time provided by regulation.

\* Sec. 6. AS 02.05 is amended by adding a new section to read:

Sec. 02.05.075. APPLICATION FEES. (a) The following fees must be paid at the time of application including transfers, amendments, leases, and applications for temporary exemption:

(1) Applications involving aircraft weight of 12,500 pounds gross take off weight or less . . . \$100

(2) Applications involving aircraft weight of

12,501 pounds gross take off weight or over . . . . \$200

(b) The entire amount of the application fee submitted will be refunded if the application is subsequently withdrawn or dismissed before hearing.

\* Sec. 7. AS 02.05.080(a) is amended to read:

(a) Subject to the provisions of (d) of this section, the commission shall issue a certificate authorizing the applicant to engage in air commerce as a contract carrier or air taxi operator, or authorizing the whole or any part of the operation covered by an application for a certificate,

(1) if the commission finds that the applicant is fit, willing and able to engage in air commerce properly and to comply with the provisions of this chapter and the rules, regulations, and requirements of the commission; and

(2) if the commission finds that air commerce and the performance of it by the applicant in the type of aircraft for which a certificate is requested under (e) of this section is required by the public convenience and necessity and is consistent with the declaration of policy contained in sec. 10 of this chapter.

\* Sec. 8. AS 02.05.090(c) is amended to read:

(c) If a service authorized by a certificate for a certificated carrier is not inaugurated within 90 days immediately following the date of authorization or within a shorter period of time fixed by the commission; or if any service is not operated for a period of 90 days, or for any period of time designated by the commission, then in either event, the commission, after notice and opportunity for hearing, may order that the certificate ceases to be effective.

\* Sec. 9. AS 02.05.090(f) is amended to read:

(f) Each aircraft owned or leased by any person subject to the provisions of this chapter shall be registered with the commission before the aircraft is used in air commerce. Certificates of registration for each aircraft shall be issued by the commission. These certificates are valid for a period of 12 months from the date of registration and are renewed at the expiration of each 12 month period. The fees for registration of aircraft are as follows:

(1) Aircraft weighing 4,000 pounds gross weight or less . . . . . \$25

(2) Aircraft weighing over 4,000 pounds but less than 7,900 pounds gross weight . . . . . 50

(3) Aircraft weighing 7,900 pounds but less than 12,500 pounds gross weight . . . . . 100

(4) Aircraft weighing 12,500 pounds but less

than 27,000 pounds gross weight . . . . .	150
(5) Aircraft weighing 27,000 pounds but less than 50,000 pounds gross weight . . . . .	300
(6) Aircraft weighing 50,000 pounds but less than 75,000 pounds gross weight . . . . .	400
(7) Aircraft weighing 75,000 pounds gross weight or more. . . . .	600

\* Sec. 10. AS 02.05.110(a) is amended to read:

(a) A certificate may be transferred or leased subject to the approval of the commission, and under such reasonable rules and regulations as the commission may prescribe. Approval of a transfer or lease may be given only upon a finding by the commission, after notice and opportunity for a hearing, that the transfer or lease will be consistent with the public interest. The application for approval shall be made jointly by the transferor and transferee or lessor and lessee.

\* Sec. 11. This Act takes effect on July 1, 1968.