



LAWS OF ALASKA

1969

Source

HCSSB 267 am H

Chapter No.

108

AN ACT

Regulating carriers by bus in Alaska.

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

* Section 1. AS 42.15.010 - 42.15.120 are repealed.

* Sec. 2. AS 42.15 is amended by adding new sections to read:

ARTICLE 1. REGULATION BY COMMISSION.

Sec. 42.15.011. DECLARATION OF POLICY. The business of operating as a carrier by bus for compensation or gain upon the public highways is a business affected with the public interest. It is the purpose of this chapter to provide passengers, shippers and receivers of express in the state with a stabilized service and rate structure; to foster sound economic conditions among the carriers which will guarantee transportation in the public interest; to promote adequate, economical, and efficient service by motor carriers and reasonable charges, without unjust discrimination, undue preferences or advantages, or unfair competitive practices; to improve and coordinate the relations among and transportation by and regulation of common carriers by bus and other carriers in order that the highways of the state may be properly developed and preserved and the public assured of adequate, complete, dependable and stable transportation service in all its phases; and to promote, require and enforce safe conditions and practices in the public interest.

Sec. 42.15.021. REGULATION OF COMMON AND CONTRACT CARRIERS. The commission

(1) shall supervise and regulate common and contract carriers in the state;

(2) may investigate, upon complaint or upon its own initiative, common and contract carrier classifications, rules, regulations, practices and rates, and hold public hearings on them;

(3) may make, fix, alter and amend just, fair and reasonable classifications, rules, regulations, practices and rates of common, but not contract, carriers;

(4) shall prescribe and regulate the accounts, service and safety of operations of common and contract carriers;

(5) may require common carriers to file reports and other information and data;

(6) may require contract carriers to file reports necessary to the adjudication of complaints under this chapter.

Sec. 42.15.031. REGULATION OF PRIVATE CARRIERS. (a) The commission shall supervise and regulate every private carrier in the state

(1) as to safety of its operations;

(2) so as to prevent operation as a common or contract carrier.

(b) The commission may require a private carrier to file reports and other information and data.

Sec. 42.15.041. INVESTIGATIONS AND INSPECTIONS. The commission may inspect the vehicles, books, and documents of all carriers by bus for the purpose of discovering discrimination, rebates, and other information pertaining to this chapter.

Sec. 42.15.051. NOTICES, ORDERS, AND SERVICE OF PROCESS. (a) Each common and contract carrier shall file with the commission a designation in writing of the name and address of an agent upon whom notices or orders may be served under this chapter. The designation may be changed by writing similarly filed.

(b) No order based upon a finding that a carrier by bus has violated a provision of this chapter may be made by the commission except after hearing either upon complaint or after an investigation upon its own initiative.

(c) Except as provided in this chapter, orders of the commission shall continue in force for the period specified in the order, or until the order is suspended, rescinded, modified, or set aside by the commission or a court.

(d) Orders of the commission may take effect in less than 30 days if the commission finds, and states in the order, that a shorter time is required by the public health, safety or welfare.

(e) Each carrier by bus, its officers, agents and employees shall observe and comply with the regulations

and orders of the commission.

ARTICLE 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Sec. 42.15.061. CERTIFICATE REQUIRED. (a) Except as otherwise provided in this chapter, no common carrier may transport passengers, their baggage, or express in the state without first obtaining from the commission a certificate of public convenience and necessity.

(b) The commission shall issue a certificate to a qualified applicant authorizing the whole or part of the operations covered by the application, if the commission finds that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements and regulations of the commission under this chapter, and that the proposed service, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity.

(c) The certificate shall specify the area or routes over which, or the points to and from which, the carrier is authorized to operate at the time of issuance and from time to time thereafter there shall be attached to the exercise of the privileges granted by the certificate reasonable terms, conditions, and limitations the public convenience and necessity require, or which may be necessary to carry out the requirements of this chapter or those established by the commission under this chapter. The terms, conditions, or limitations may not restrict the right of the carrier to add to its equipment, facilities, or service within the scope of the certificate, as the development of the business and the demands of the public require.

(d) Established routes may only be changed upon petition to the commission and subsequent authorization, except when temporarily required by emergency or disaster. A hearing on an application for a route change shall be held within 60 days, except upon agreement of the parties.

(e) A certificate issued under this chapter does not confer a proprietary or exclusive right in the use of a public highway.

(f) A right, privilege, franchise, or certificate held, owned, or obtained by a common carrier may be sold, leased or transferred upon authorization by the commission.

(g) The certificate required by this section shall be prominently displayed at all times in the carrier's principal place of business.

(h) No certificate may be required under this section for the transport of passengers, their baggage or express under a franchise or permit granted by a municipality if the transportation is from one point within the municipality to another point within the municipality only, or to municipal property outside municipal limits only.

Sec. 42.15.071. APPLICATIONS; FILING FEE. (a)

Application for a certificate, temporary or otherwise, or for a transfer, lease, modification, consolidation, merger, or contract to operate the properties of one or more carriers shall be made to the commission in writing on forms prescribed and furnished by the commission. The application shall state the ownership, control, affiliation with other carriers, financial condition, equipment to be used and physical property of the applicant, the territory in or route over which the applicant proposes to operate, the nature of the transportation to be engaged in and other information the commission requires.

(b) When the applicant is a corporation, it shall also state the affiliation of its officers, directors, five major stockholders, or any of them with any other carrier under this chapter.

(c) Each application for a certificate, transfer, lease, modification, consolidation, merger or contract to operate the properties of one or more carriers shall be accompanied by a fee of \$50.

Sec. 42.15.081. TRANSFER. (a) Transfer of a certificate will be granted upon approval of the commission. Commission approval is required in any of the following instances:

(1) transfer from one business entity to another business entity, be it a sole proprietorship, partnership, corporation, joint venture, or any other authorized form of doing business;

(2) merger;

(3) consolidation;

(4) acquisition by one or more persons of a controlling interest in a carrier firm, by purchase, by acquisition of stock, or by any other means.

(b) The transferor shall certify to the commission that the authority contained in the certificate has been in reasonably continuous and active use as to the territory or routes authorized to be served, and as to the various services authorized to be rendered by the carrier. The commission may require documentary evidence in support of the certification. Dormant operating rights of the transferor will not be transferred unless the commission finds that the service is needed for the public convenience and necessity, and that the transferee will provide such service.

(c) Applications for transfer may not be granted until

(1) all unpaid claims for loss or damage arising out of the carrier's operations have been paid or until the claims have been secured by the transferor's insurance carrier, or by satisfactory bond, or after settlement approved by the commission as satisfactory for the protection of all claimants; and

(2) all money due shippers or other parties

entitled to receive it for shipments performed on a C.O.D. basis has been paid or the obligation has been settled to the satisfaction of the commission.

Sec. 42.15.091. BURDEN OF PROOF ON APPLICANTS. (a) Each applicant for new authority, or in case of a transfer, the transferee, has the burden of proof to establish that the proposed operation satisfies the requirements of this chapter and he must prove that he

(1) is financially able to carry on the proposed operation;

(2) has adequate equipment, motor buses, and other necessary real and personal property to conduct the proposed operation, or has made suitable provisions for it;

(3) has sufficient knowledge of this chapter and related regulations to conduct the proposed operation properly;

(4) will supply a service that will not unreasonably congest the public highways or unreasonably endanger the stability and dependability of the common carrier transportation to the public needs, and is in the public interest.

(b) Except as provided in sec. 81(b) of this chapter, applicants for transfer need not make a showing of public convenience and necessity, and the provisions of (a)(4) of this section are not applicable to a transferee.

Sec. 42.15.101. LIMITATION OF RENEWAL OF APPLICATION. A person whose application for a certificate is denied is not eligible to renew the same application for a period of six months from the date of the order denying the application, except as otherwise may be authorized by the commission for good cause shown.

Sec. 42.15.111. TEMPORARY OPERATIONS. (a) The commission may, without hearing or other proceeding, grant temporary authority for an operation by a common carrier, where there is an immediate and urgent need. The temporary authority is valid for the time the commission specifies, and does not create a presumption that corresponding permanent authority will be granted.

(b) Pending the determination of an application for approval of a consolidation or merger of the properties of two or more bus carriers, or of a purchase, lease, or contract to operate the properties of one or more bus carriers, the commission may, for good cause shown, and without hearing or other proceeding grant temporary approval, for a period not exceeding 180 days, of operation of the properties of the carriers by bus by the person proposing to acquire them.

Sec. 42.15.121. DISCONTINUANCE, ABANDONMENT OR TEMPORARY SUSPENSION OF CERTIFICATED OPERATIONS. (a) Except as otherwise provided in this chapter, no common carrier may discontinue or abandon an operation or part of an operation for which a certificate has been issued by the commission unless upon the application of the

carrier and if after notice and opportunity for hearing, the commission finds that discontinuance or abandonment will not materially harm the public interest. Any interested person may file with the commission a protest or memorandum of opposition to or in support of discontinuance or abandonment. The commission may authorize temporary suspension of an operation or part of an operation.

(b) The commission may, at the request of a common carrier suspend its certificate for a definite period, but not to exceed 180 days.

(c) Upon suspension of a certificate, it is unlawful for the carrier to conduct any operation for which a certificate is required.

(d) The unauthorized failure for a period of six months to conduct operations, to file a tariff, or to pay a required regulatory fee, shall create a presumption that the certificate is abandoned and the commission may institute proceedings to revoke the certificate.

(e) Upon complaint or upon its own motion, the commission may reinvestigate a previously authorized discontinuance, abandonment or suspension of an operation of a common carrier. If, after providing notice and an opportunity for a hearing, the commission finds that the public convenience and necessity require the service to be resumed, it may order the carrier to reinstate the operation.

Sec. 42.15.131. MODIFICATION, SUSPENSION OR REVOCATION OF CERTIFICATES. Upon complaint or upon its own initiative the commission, after notice and opportunity for hearing and for good cause shown, may amend, modify, suspend, or revoke a certificate, in whole or in part. Good cause for amendment, modification, suspension or revocation of a certificate includes but is not limited to any of the following:

(1) voluntary or unauthorized discontinuance or abandonment of all or part of the carrier's operation;

(2) misrepresentation of a material fact in obtaining the certificate;

(3) failure to comply with the provisions of this chapter, the regulations or orders of the commission, the motor vehicle laws of the state or the laws or regulations of the United States;

(4) failure to comply with a term, condition, or limitation of the certificate.

ARTICLE 3. RATES AND RATE SCHEDULES.

Sec. 42.15.141. TARIFFS; FILING AND INSPECTION. (a) Each common carrier shall file its complete tariff with the commission at the time and in the form established by the commission by regulation. The tariff shall show all rates, classifications, rules, regulations and practices collected or enforced or to be collected or enforced by the carrier. Each common carrier shall clearly print its

complete tariff and keep an up-to-date copy of it on file at its principal business office and at each station or office where payments for the carrier's service are accepted. The tariffs shall be made available to, and subject to inspection by, the general public on demand.

(b) The tariffs of a common carrier which is also subject to the jurisdiction of a federal regulatory body shall correspond, so far as practicable, to the form of those prescribed by the federal regulatory body.

(c) The commission may reject all or part of a tariff which is not consistent with this chapter or the regulations of the commission. A tariff or provision so rejected is void.

Sec. 42.15.151. ADHERENCE TO TARIFFS. No common carrier may, directly or indirectly, demand or receive a greater or lesser rate for a service provided or to be provided by it or extend privileges or facilities for transportation affecting the value of the transportation except those specified in its tariffs and filed in the manner provided in this chapter. The rates specified in its properly filed tariffs shall be the lawful rates of a common carrier until changed in the manner provided in this chapter.

Sec. 42.15.161. RATES TO BE JUST AND REASONABLE. All rates demanded or received by a common carrier, or by any two or more common carriers jointly, for a service furnished or to be furnished shall be just and reasonable. An unjust or unreasonable rate demanded or received for the service is unlawful.

Sec. 42.15.171. DISCRIMINATION. (a) No common carrier may grant an unreasonable preference or advantage to any person, transit point, locality, region, district, territory, or description of traffic, or subject a person, transit point, locality, region, district, territory or description of traffic to unjust discrimination or undue or unreasonable prejudice or disadvantage.

(b) Unless specifically authorized by the commission, no common carrier may make, demand or receive (1) a greater rate in the aggregate for the transportation of passengers or property of the same class for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance; or (2) a greater rate as a through intra-state rate than the aggregate of the intermediate intra-state rates. Nothing contained in this section prohibits the establishment of reasonable zone or group systems, or classifications of rates or the issuance of excursion, commutation, or other special tickets at special rates, or the granting of nontransferable free passes, or passes at a discount to any officer, employee, or pensioner of a common carrier.

Sec. 42.15.181. THROUGH ROUTES AND JOINT RATES. Each common carrier by bus shall establish reasonable through routes and rates with other carriers. In the case of joint rates, the carriers shall establish just,

reasonable, and equitable divisions which do not unduly prefer or prejudice any of the carriers.

Sec. 42.15.191. TARIFF CHANGES. (a) Unless the commission otherwise orders, no change may be made by a common carrier in its rates, classifications, rules, regulations or practices or in a contract or agreement relating to a rate, classification, rule, regulation or practice except after 30 days' notice to the commission and to the public. Notice shall be given by filing with the commission and keeping open for public inspection the revised tariff provisions which shall plainly indicate the changes to be made in the schedules then in force and the time when the changes will go into effect. The commission may prescribe additional means of giving notice. The commission, for good cause shown, may allow changes to take effect on less than 30 days' notice under conditions the commission prescribes.

(b) Tariff changes shall be filed in the manner provided in sec. 141(a) of this chapter.

Sec. 42.15.201. SUSPENSION OF TARIFF FILING OR CONTRACT. (a) When a common carrier files a contract or tariff containing a new or revised rate, classification, rule, regulation, or practice, the commission may, upon complaint or upon its own motion, upon reasonable notice, order an investigation and a hearing concerning the lawfulness of the proposed change.

(b) Pending completion of the investigation and hearing and a decision on the lawfulness of the change, the commission, by order stating the reasons for its action, may from time to time suspend the operation of the contract or tariff change and defer its effective date, but not for a longer, aggregate period than 180 days beyond the time when the change would otherwise go into effect.

(c) After hearing, whether completed before or after the rate, classification, rule, regulation or practice goes into effect, the commission may issue orders granting, denying or modifying the tariff change in whole or in part.

(d) At a hearing involving a proposed contract or tariff change, whether the change is suspended or not suspended, the burden of proof to show that the change is lawful is upon the carrier. The commission shall give to the hearing and decision of these questions priority over other questions pending before it and render its decision as speedily as possible.

Sec. 42.15.211. COMPLAINTS; POWER OF COMMISSION TO FIX RATES. (a) Any person may make complaint in writing under oath to the commission that an individual or joint rate, classification, regulation, or practice of a common carrier is or will be in violation of this chapter or a regulation or order of the commission. A complaint shall state fully the facts complained of and the reasons for complaint.

(b) When the commission, after an investigation and hearing upon complaint or upon its own motion, finds that

a rate demanded, observed, charged or collected by a common carrier for a service subject to the jurisdiction of the commission, or that a classification, rule, regulation, practice, or contract affecting the rate, is unjust, unreasonable, unduly discriminatory or preferential, the commission shall determine a just and reasonable rate, classification, rule, regulation, practice, or contract to be thereafter observed and in force, and shall establish it by order.

(c) The commission may after hearing, upon complaint or upon its own motion, establish through routes, joint classifications, and joint rates applicable to the transportation of passengers or property by common carriers by bus, or by such carriers and any other common carrier and the divisions of rates and the terms and conditions under which through routes are to be operated.

(d) In a proceeding to determine the justness or reasonableness of a rate, the commission may not consider good will, earning power, or the certificate under which the carrier operates as evidence or an element of value of the property of the carrier.

ARTICLE 4. LIABILITY PROTECTION.

Sec. 42.15.221. ACCIDENT LIABILITY PROTECTION REQUIRED. (a) No certificate may be issued to a person to operate as a common carrier upon the public highways of the state and no common carrier may operate upon the public highways unless the person or carrier has procured such reasonable security as may be required by the commission for the protection of the public against damage and injury for which the carrier may be liable by reason of its operation as a common carrier.

(b) In fixing the amount of necessary security for a common carrier the commission shall give consideration to the character and amount of traffic, the number of persons affected and the degree of danger which the proposed operation involves.

(c) The commission may at any time refuse to accept, or revoke its acceptance of, any security or form of security, if, in its judgment, the security does not comply with the regulations, or for any reason fails to provide satisfactory or adequate protection for the public. Refusal or revocation of acceptance of security does not relieve the carrier from compliance with this section.

Sec. 42.15.231. EVIDENCE OF PROTECTION; DEPOSIT OF INSURANCE POLICY BOND OR OTHER SECURITY. (a) The protection required under sec. 221 of this chapter shall be evidenced by deposit with the commission, covering each vehicle used or to be used under this certificate, either

(1) a policy of insurance issued by an insurer acceptable to the commission and licensed to write such insurance in a state of the United States or in the jurisdiction where it is domiciled, if the insurer maintains in a bank located in and subject to the laws of the United States a trust fund for the benefit of its policyholders

of not less than \$200,000; or

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

(3) other security approved by the commission; or

(4) such evidence of qualification of the carrier as a self-insurer as may be approved by the commission.

(b) Endorsements for policies of insurance, surety bonds, certificates of insurance, applications to qualify as a self-insurer, or for approval of other securities or agreements, and notices of cancellation must be in the form prescribed or approved by the commission.

(c) Certificates of insurance and surety bonds shall be issued in the full and correct name of the individual, partnership, corporation or other person to whom the permit is, or is to be issued. In the case of a partnership, all partners shall be named.

Sec. 42.15.241. DURATION OF PROTECTION; CANCELLATION OF INSURANCE, BOND OR OTHER SECURITY. (a) The protection against liability required by sec. 221 of this chapter shall be continued in effect during the active life of the certificate.

(b) Policies of insurance, surety bonds, and other forms of security may not be cancellable on less than 30 days' written notice to the commission and this shall be clearly stated in the policy or endorsement.

(c) The 30-day notice shall be measured from the date upon which the commission receives notice.

Sec. 42.15.251. FIDUCIARIES; INSURED AND PRINCIPAL. The term "insured" and "principal" as used in certificates of insurance, surety bonds, and notices of cancellation filed by or in behalf of carriers by bus shall be construed to include not only the carrier named in the certificate, surety bond, or notice of cancellation, but also the fiduciary of the carrier. The coverage of fiduciaries provided for in this chapter attaches at the moment of succession of the fiduciaries.

ARTICLE 5. JUDICIAL REVIEW, PENALTIES AND ENFORCEMENT.

Sec. 42.15.261. EFFECT OF REGULATIONS AND ORDERS. Regulations and orders adopted and issued by the commission in accordance with this chapter have the effect of law.

Sec. 42.15.271. REVIEW AND ENFORCEMENT. (a) All final orders of the commission are subject to judicial review in accordance with AS 44.62.560 - 44.62.570 of the Administrative Procedure Act.

(b) The commission may apply to the superior court for enforcement of this chapter and regulations and orders

of the commission adopted under it. If the court determines that the statute and regulations are valid and that the order was regularly and validly made and duly issued, it shall enforce the order by injunction and other process.

Sec. 42.15.281. VIOLATION A MISDEMEANOR. A person (whether or not a carrier by bus or an officer, agent, or employee of a carrier by bus) who knowingly fails, omits, neglects or refuses to comply with a provision of this chapter or a regulation, order or decision of the commission, or a final order or decree of a court, or who knowingly procures, aids, or abets such a violation, is guilty of a misdemeanor, and upon conviction, is punishable by a fine of not more than \$500 for each offense plus payment of the costs of prosecution.

Sec. 42.15.291. EACH VIOLATION A SEPARATE OFFENSE. Each violation of the provisions of this chapter or of an order, decision, or regulation of the commission by a carrier by bus or other person is a separate and distinct offense, and in case of a continuing violation each day's continuance is a separate and distinct offense.

Sec. 42.15.301. ACTIONS TO RECOVER FINES; DISPOSITION. (a) Actions to impose fines under this chapter shall be brought by the attorney general in a court of competent jurisdiction.

(b) All fines imposed under this chapter shall be paid to the commission and deposited by it in the general fund of the state.

Sec. 42.15.311. CRIMINAL PROSECUTION NOT A BAR TO ENFORCEMENT. A criminal prosecution under this chapter is not a bar to an enforcement proceeding to require compliance, nor to any other remedy provided by this chapter.

Sec. 42.15.321. JOINDER OF ACTIONS. Under the applicable court rules, appeals from orders of the commission and applications for enforcement of commission orders may be joined. The court may in the interests of justice separate the actions.

ARTICLE 6. MISCELLANEOUS PROVISIONS.

Sec. 42.15.331. WEIGHT FEES. (a) Every common carrier shall pay the following weight fees each year for each motor bus owned or operated by it on the public highways of the state:

Over 0 pounds but not over 12,000 pounds . . .	\$35
12,001 pounds but not over 18,000 pounds . . .	55
18,000 pounds and over	75

(b) Weight fees for each vehicle shall be based upon the maximum gross unladen weight of the vehicle as set by the carrier in its application to the state for vehicle license plates, or in the case of vehicles not otherwise licensed, the unladen weight established by the manufacturer.

(c) Weight fees on vehicles regularly licensed and registered in the state shall be paid to the commissioner

of revenue at the same time that the regular annual license fee is paid. Weight fees on vehicles not otherwise licensed in the state shall be paid to the commission.

Sec. 42.15.341. C. O. D. SHIPMENT BOND. The commission may, under regulations it prescribes, require a common carrier to file a surety bond, or deposit security or a bond guaranteed by individuals approved by the commission. The commission shall fix the amount of the bond or the security. The bond or security shall be conditioned upon the carrier paying over to shippers and consignees money belonging to shippers and consignees, and coming into the possession of the carrier in connection with its transportation service. A common carrier required by law to compensate a shipper or consignee for loss, damage or default for which a connecting common carrier is legally responsible shall be subrogated to the rights of the shipper or consignee under the bond or deposit of security to the extent of the sum paid.

Sec. 42.15.351. LEASING. Where possession or use of a bus is transferred, other than by sale, for use by a common carrier, the transfer may be made only by written lease. Oral agreements for these transfers are prohibited.

Sec. 42.15.361. LEASE REQUIREMENTS. The commission may prescribe regulations governing the leasing of vehicles to be used as buses.

Sec. 42.15.371. SAFETY REGULATIONS. The commission shall adopt safety regulations it considers necessary for the protection of the public.

Sec. 42.15.381. PROHIBITED OPERATION. No carrier by bus may permit or require a driver to drive, nor may a driver drive a bus which has been declared "out of service" by the commission or other authorized agency. Such a bus may not be operated until required repairs have been made, and the carrier has complied with all orders of the commission or other authorized agency pertaining to it.

Sec. 42.15.391. SAFE AND SANITARY CONDITIONS OF VEHICLES. Each bus and all of its parts shall be maintained in a safe and sanitary condition at all times, and are at all times subject to inspection by the commission.

Sec. 42.15.401. IDENTIFICATION OF BUSES. (a) Each bus shall be identified so as to allow immediate determination of the identity of the carrier operating it.

(b) Except as provided in (c) of this section, each bus owned by a carrier shall be identified with the name of the carrier as it appears on his certificate and the carrier's certificate number identified as "ATC (number)." This information shall be displayed on both sides of each bus and the lettering shall be in contrasting colors to the background upon which it is placed. Numbers and letters shall be not less than two inches in height.

(c) Buses operating under authority of the Interstate Commerce Commission and identified in accordance

with federal regulation, shall additionally display the Alaska Transportation Commission certificate number.

(d) Each bus leased or rented by a carrier shall be identified as provided in (a) of this section, except that preceding the name of the carrier shall be the words "Leased and Operated by."

Sec. 42.15.411. REMOVAL OF IDENTIFICATION. When a bus is disposed of by the carrier by sale or otherwise and is no longer in use by the carrier, the carrier shall remove all identification required in sec. 441 of this chapter from the vehicle before final disposition.

ARTICLE 7. GENERAL PROVISIONS.

Sec. 42.15.421. EXEMPT VEHICLES. Except when otherwise provided, this chapter does not apply to

- (1) buses owned and operated by the United States, the state, or a borough or city in the state; however, such buses are subject to this chapter to the extent permitted by the laws of the United States when used to transport for compensation passengers, their baggage, and express in competition with common carriers subject to this chapter;
- (2) school buses;
- (3) vehicles used exclusively in the regular business of contract carriers by bus or private carriers by bus;
- (4) taxicabs;
- (5) vehicles used solely within units of local government, if regulated by the local government.

Sec. 42.15.431. DEFINITIONS. In this chapter, unless the context indicates otherwise

- (1) "bus" or "motor bus" means any self-propelled vehicle or other device used in connection with such a vehicle operated upon the public highways, used for the transportation of passengers;
- (2) "carrier by bus" means any person who, for compensation or other benefit transports, or provides a bus for the transport of, passengers over the public highways of the state and who provides, procures or arranges, directly, indirectly or through course of dealing, a driver or operator for such a bus;
- (3) "charter" means the exclusive use of a bus by a person who, under a single contract, and for a fixed charge for the bus, travels to a specified destination or over a particular itinerary, either agreed upon in advance or modified by the contracting parties after having left the place of origin;
- (4) "commission" means the Alaska Transportation Commission;

(5) "common carrier" means a carrier by bus which holds itself out to the public as willing to undertake, for compensation, to transport passengers by motor bus upon the public highways;

(6) "contract carrier" means a carrier by bus which renders bus services under contract, other than charter, not less than 10 days in duration and not competing with services offered by common carriers;

(7) "private carrier" means a carrier by bus which, in its own bus, transports passengers, not in competition with a common carrier, in good faith, when the transportation is only incidental to the furtherance of some primary private business other than transportation;

(8) "public highway" means every street, road or highway in this state, accessible for use by the general public, whether in a state of construction, reconstruction or completed;

(9) "rate" includes every rate, toll, fare, rental charge, or other form of compensation demanded, observed, charged or collected by a carrier for its services;

(10) "school bus" means any bus properly identified as a school bus and used exclusively in conveying students to and from schools;

(11) "express shipment" means a quantity of express tendered at one time and one place by one shipper consigned to one consignee at one destination and delivered to one place; this definition does not prohibit the carrier from picking up or delivering portions contained in the receipt or bill of lading if a reasonable charge is made for the service and the charge is published in the carrier's tariff;

(12) "taxicab" means a motor driven passenger vehicle having a seating capacity of not more than seven persons, including driver, which is offered for public hire on a time or distance basis and which is not operated on a predetermined schedule or over fixed routes.

Sec. 42.15.441. SHORT TITLE. This chapter may be cited as the Alaska Bus Act.

* Sec. 3. All litigations, hearings, investigations, and other proceedings whatsoever, pending under any law repealed by this Act, shall continue and remain in full force and effect, and may be continued and completed under the provisions of this Act. All certificates, orders, rules, regulations, or tariffs made, issued, or filed under any law repealed by this Act, and in full force and effect upon the effective date of this Act, shall remain in full force and effect for the term issued, or until revoked, vacated, or modified under the provisions of this Act. All existing contracts and obligations of the commission, entered into or created under any law repealed by this Act, and in force and effect upon the effective date of this Act, shall remain in full force and effect and shall continue to be performed by the commission.