

HOUSE BILL NO. 218

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JAMES BY REQUEST

Introduced: 3/1/95

Referred: State Affairs, Transportation, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the payment of certain trucking operators."

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

3 * Section 1. AS 37.05.285(d) is amended to read:

4 (d) This section does not apply

5 (1) if the cost of the goods or services purchased exceeds \$500,000;

6 (2) to payment for specific goods or services in dispute after a seller

7 of goods or services receives notice from the state official responsible for authorizing

8 payment for goods and services that the amount of the invoice or quality of specific

9 goods or services is in dispute and stating the reasons for the dispute; [:] the state

10 agency shall pay for the specific goods or services in dispute within 30 days after

11 resolution of the dispute; or

12 (3) to a contract covered by AS 36.90.200 - 36.90.290 **or**

13 AS 45.45.920.

14 * Sec. 2. AS 45.45 is amended by adding a new section to read:

15 Sec. 45.45.920. PAYMENT OF TRUCKING OPERATORS. (a)

1 Notwithstanding AS 36.30.200 - 36.30.290, if a prime contractor or a subcontractor on
2 a construction contract contracts orally or in writing with a trucking operator for the
3 trucking operator to haul material for the construction project, the prime contractor or
4 subcontractor who contracts with the trucking operator shall pay the trucking operator
5 for the hauling within 14 days after the trucking operator submits a bill for the hauling
6 to the prime contractor or subcontractor who contracts with the trucking operator.

7 (b) Notwithstanding AS 36.90.200 - 36.90.290, if a payment is not made as
8 required by (a) of this section, the prime contractor or subcontractor who contracts
9 with the trucking operator shall pay the trucking operator interest on the unpaid
10 amount of the required payment from the eighth calendar day after the date required
11 for payment under (a) of this section at an interest rate that is equal to 1.5 percent a
12 month.

13 (c) In order to be covered by this section, a trucking operator must have all
14 licenses, permits, and insurance for the hauling required by the state and by the
15 municipality, if any, where the construction project takes place.

16 (d) In this section,

17 (1) "construction project" means the construction, alteration, repairing,
18 moving, or demolishing of a building, highway, road, railroad, or other improvement
19 to real property;

20 (2) "material" includes dirt, gravel, asphalt, contaminated soil, and
21 contaminated waste, but does not include pre-mixed wet concrete;

22 (3) "person" includes the state and a subdivision of the state;

23 (4) "prime contractor" means a person who enters into a contract
24 directly with an owner or lessor of real property for a construction project on the real
25 property;

26 (5) "subcontractor" means a person at any level, other than a prime
27 contractor, who provides materials or services, other than as an employee, to be used
28 in a construction project;

29 (6) "trucking operator" means a person who operates, either personally
30 or through an employee, a truck to haul material for a construction project, but does
31 not include a person whose hauling is subject to 49 U.S.C. 10101 - 11916 (Interstate

1 Commerce Act).

2 * **Sec. 3.** This Act applies to contracts that are entered into on or after the effective date
3 of this Act.