

**CS FOR HOUSE BILL NO. 218(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/18/95

Referred: Transportation, Judiciary

Sponsor(s): REPRESENTATIVE JAMES BY REQUEST

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the payment of certain trucking owner-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 OWNER-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 owner-operator  
3 for the trucking owner-operator to haul material for the construction project, the prime  
4 contractor or subcontractor who contracts with the trucking owner-operator shall pay  
5 the trucking owner-operator for the hauling within 14 days after the trucking  
6 owner-operator submits a bill for the hauling to the prime contractor or subcontractor  
7 who contracts with the trucking owner-operator. A trucking owner-operator may not  
8 submit more than two bills a month under this section to the same prime contractor  
9 or subcontractor.

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

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

19 (d) In this section,

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

23 (2) "material" includes dirt, gravel, asphalt, brush, salt, demolition  
24 debris, contaminated soil, and contaminated waste, but does not include pre-mixed wet  
25 concrete;

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

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

30 (5) "subcontractor" means a person at any level, other than a prime  
31 contractor or a supplier, who provides materials or services, other than as an employee,

1 to be used in a construction project;

2 (6) "trucking owner-operator" means a person who owns and operates,  
3 other than as an employee, a truck to haul material for a construction project, but does  
4 not include a person whose hauling is subject to 49 U.S.C. 10101 - 11916 (Interstate  
5 Commerce Act).

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