

**CS FOR HOUSE BILL NO. 83(TRA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 2/12/97

Referred: State Affairs

Sponsor(s): REPRESENTATIVE MARTIN

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to commercial vehicle inspections; and providing for an effective  
2 date."

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

4 \* **Section 1.** AS 28.32.010 is amended to read:

5 **Sec. 28.32.010. Commercial [MOTOR] vehicle safety inspections; citations.**

6 (a) A commercial [MOTOR] vehicle may not be operated [AFTER JANUARY 1,  
7 1986] without a certificate of inspection. An owner **or operator** of a commercial  
8 [MOTOR] vehicle shall renew a certificate of inspection at least **annually as required**  
9 **by law. An owner or operator of a commercial vehicle shall provide proof of**  
10 **annual inspection upon demand of a peace officer or employee of the department**  
11 **authorized by the commissioner to enforce this section** [SEMI-ANNUALLY AT AN  
12 OFFICIAL INSPECTION STATION UNDER AS 28.32.030. THE OWNER MAY  
13 RENEW A CERTIFICATE OF INSPECTION AT ANY TIME DURING THE  
14 OFFICE HOURS OF THE INSPECTION STATION. AN OWNER OF A

1 COMMERCIAL MOTOR VEHICLE SHALL DISPLAY A CURRENT STICKER OF  
 2 INSPECTION VISIBLE FROM OUTSIDE THE VEHICLE IN A LOCATION  
 3 DETERMINED BY THE DIVISION].

4 (b) A peace officer, or an employee of the department who is authorized by  
 5 the commissioner to enforce both hazardous materials and commercial vehicle safety  
 6 regulations, may issue a citation under AS 12.25.180 - 12.25.230 to a person who  
 7 violates a regulation adopted under AS 28.05.011(2). [AN EMPLOYEE OF THE  
 8 DEPARTMENT WHO IS AUTHORIZED BY THE COMMISSIONER TO ENFORCE  
 9 BOTH HAZARDOUS MATERIALS AND COMMERCIAL VEHICLE SAFETY  
 10 REGULATIONS MAY NOT TAKE A PERSON INTO CUSTODY UNDER  
 11 AS 12.25.180(b).]

12 \* **Sec. 2.** AS 28.32.040 is repealed and reenacted to read:

13 **Sec. 28.32.040. Commercial vehicle inspectors.** A person may not conduct  
 14 commercial vehicle inspections unless qualified under law.

15 \* **Sec. 3.** AS 28.32.050 is repealed and reenacted to read:

16 **Sec. 28.32.050. Issuance of certificate of inspection.** A person conducting  
 17 annual commercial vehicle inspections under AS 28.32.010 shall issue a certificate of  
 18 inspection to the owner or operator after determining the vehicle is in a safe and  
 19 mechanically sound condition as required by law. The owner or operator of a  
 20 commercial vehicle shall keep a record of the annual inspection of the vehicle. A  
 21 peace officer or employee of the department authorized by the commissioner to enforce  
 22 this chapter may audit the records of a person who performs safety inspections at any  
 23 time during regular business hours.

24 \* **Sec. 4.** AS 28.32.080 is amended to read:

25 **Sec. 28.32.080. Regulations.** The commissioner of public safety shall adopt  
 26 procedural regulations appropriate to achieve compatibility with **federal law** [OTHER  
 27 WESTERN STATES] and procedural regulations necessary to implement this chapter.

28 \* **Sec. 5.** AS 28.32.090 is amended to read:

29 **Sec. 28.32.090. Criminal penalty.** **Except for a violation of AS 28.32.080**  
 30 **or a regulation adopted under AS 28.32.080, a** [A] person who violates a provision  
 31 of this chapter is guilty of a class **A** [B] misdemeanor.

1 \* **Sec. 6.** AS 28.32.900(1) is amended to read:

2 (1) "commercial [MOTOR] vehicle" means a [MOTOR] vehicle [OR  
3 A COMBINATION OF A MOTOR VEHICLE AND ONE OR MORE OTHER  
4 VEHICLES]

5 (A) used to transport passengers or property **for commercial**  
6 **purposes;**

7 (B) used upon a highway or vehicular way; and

8 (C) which

9 (i) has a gross vehicle weight rating or gross  
10 combination weight rating greater than 10,000 pounds;

11 (ii) is designed to transport more than 15 passengers,  
12 including the driver; or

13 (iii) is used in the transportation of materials found by  
14 the United States Secretary of Transportation to be hazardous for  
15 purposes of 49 U.S.C. 1801 - 1813 (Hazardous Materials Transportation  
16 Act);

17 (D) except that the following vehicles meeting the criteria in  
18 (A) - (C) of this paragraph are not commercial vehicles:

19 (i) emergency or fire equipment that is necessary to the  
20 preservation of life or property;

21 (ii) farm vehicles that are controlled and operated by a  
22 farmer; used to transport agricultural products, farm machinery, or farm  
23 supplies to or from that farmer's farm; not used in the operations of a  
24 common or contract motor carrier; and used within 150 miles of the  
25 farmer's farm;

26 (iii) school buses;

27 (iv) vehicles owned and operated by the federal  
28 government unless the vehicle is used to transport property of the  
29 general public for compensation in competition with other persons who  
30 own or operate a commercial motor vehicle subject to this chapter [,]  
31 and, except to the extent that regulation of vehicles operated by the

1 federal government, is permitted by federal law; and  
2 (v) vehicles used exclusively for purposes other than  
3 commercial purposes;

4 \* **Sec. 7.** AS 28.32.030, 28.32.060, 28.32.070, and 28.32.900(3) are repealed.

5 \* **Sec. 8.** This Act takes effect July 1, 1997.