

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/26/97

Referred: Rules

Sponsor(s): REPRESENTATIVE MARTIN

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to regulation of commercial vehicles; and providing for an  
2 effective date."

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

4 \* **Section 1.** AS 19.10.310 is amended to read:

5 **Sec. 19.10.310. Commercial motor vehicle safety inspections.** A commercial  
6 motor vehicle may not be operated [AFTER JANUARY 1, 1986] without a certificate  
7 of inspection. An owner or operator of a commercial motor vehicle shall renew a  
8 certificate of inspection at least **annually as required by law. An owner or operator**  
9 **of a commercial motor vehicle shall provide proof of annual inspection upon**  
10 **demand of a peace officer or employee of the department authorized by the**  
11 **commissioner to enforce this section** [SEMI-ANNUALLY AT AN OFFICIAL  
12 INSPECTION STATION UNDER AS 19.10.320. THE OWNER MAY RENEW A  
13 CERTIFICATE OF INSPECTION AT ANY TIME DURING THE OFFICE HOURS  
14 OF THE INSPECTION STATION. AN OWNER OF A COMMERCIAL MOTOR

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

4 \* **Sec. 2.** AS 19.10.340 is repealed and reenacted to read:

5 **Sec. 19.10.340. Issuance of certificate of inspection.** A person conducting  
6 annual commercial motor vehicle inspections under AS 19.10.310 shall issue a  
7 certificate of inspection to the owner or operator after determining the motor vehicle  
8 is in a safe and mechanically sound condition as required by law. The owner or  
9 operator of a commercial motor vehicle shall keep a record of the annual inspection  
10 of the vehicle. A peace officer or employee of the department authorized by the  
11 commissioner to enforce AS 19.10.310 - 19.10.399 may audit the records of a person  
12 who performs safety inspections at any time during regular business hours.

13 \* **Sec. 3.** AS 19.10 is amended by adding a new section to read:

14 **Sec. 19.10.365. Adoption of federal inspection, repair, and maintenance**  
15 **requirements.** A person operating a commercial motor vehicle in this state shall  
16 comply with the provisions of 49 C.F.R. 396, as those provisions existed on  
17 October 31, 1996, regulating the inspection, repair, and maintenance of commercial  
18 motor vehicles. For purposes of this section, the term "interstate" as used in 49 C.F.R.  
19 396, includes intrastate operation of a commercial motor vehicle.

20 \* **Sec. 4.** AS 19.10.380 is amended to read:

21 **Sec. 19.10.380. Civil [CRIMINAL] penalty. Notwithstanding AS 19.45.002**  
22 **and except as provided in (b) of this section, a** [A] person who violates a provision  
23 of AS 19.10.310 - 19.10.399 is **subject to a civil penalty of up to \$20,000** [GUILTY  
24 OF A CLASS B MISDEMEANOR].

25 \* **Sec. 5.** AS 19.10.380 is amended by adding a new subsection to read:

26 (b) A person who violates AS 19.10.365 is subject to a civil penalty of up to  
27 \$500.

28 \* **Sec. 6.** AS 19.10 is amended by adding a new section to read:

29 **Sec. 19.10.395. Affirmative defense to prosecution.** In a prosecution for a  
30 violation of a provision of AS 19.10.310 - 19.10.399, it is an affirmative defense that  
31 the act or omission is not a violation under federal law.

1 \* **Sec. 7.** AS 19.10.399(1) is amended to read:

2 **Sec. 19.10.399. Definitions.** In AS 19.10.300 - 19.10.399,

3 (1) "commercial motor vehicle" means a **self-propelled or towed**  
 4 [MOTOR] vehicle [OR A COMBINATION OF A MOTOR VEHICLE AND ONE OR  
 5 MORE OTHER VEHICLES]

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

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

9 (C) that

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

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

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

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

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

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

27 (iii) school buses;

28 (iv) vehicles owned and operated by the federal  
 29 government unless the vehicle is used to transport property of the  
 30 general public for compensation in competition with other persons who  
 31 own or operate a commercial motor vehicle subject to AS 19.10.310 -

1                   19.10.399, and, except to the extent that regulation of vehicles operated  
2                   by the federal government, is permitted by federal law; and  
3                                   (v) vehicles used exclusively for purposes other than  
4                   commercial purposes;

5       \* **Sec. 8.** AS 19.10.060(c), 19.10.320, 19.10.330, 19.10.350, 19.10.360, and 19.10.370 are  
6       repealed.

7       \* **Sec. 9.** This Act takes effect July 1, 1997.