

SENATE BILL NO. 280

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/6/98

Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the regulation of commercial vehicles; the temporary
2 registration of out-of-state commercial vehicles; and providing for an effective
3 date."

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

5 * **Section 1.** AS 19.10.300 is amended by adding a new subsection to read:

6 (g) When operating a commercial motor vehicle or motor vehicle for which
7 security is required under (a) of this section, a person shall carry proof of insurance
8 and, if involved in an accident with another person, shall display the proof of insurance
9 to the other person. In this subsection, "proof of insurance" means a

10 (1) certificate of self-insurance issued by the department;

11 (2) card issued by an insurer described in (b)(1) of this section that
12 indicates that insurance has been procured as required by this section, contains a local
13 or toll-free telephone number for filing or receiving claim information, and indicates
14 the name and address of the insurer; or

1 (3) copy of the surety bond described in (b)(2) of this section.

2 * **Sec. 2.** AS 19.10.310 is amended to read:

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

16 * **Sec 3.** AS 19.10.340 is repealed and reenacted to read:

17 **Sec. 19.10.340. Issuance of certificate of inspection.** A person conducting
18 annual commercial motor vehicle inspections under AS 19.10.310 shall issue a
19 certificate of inspection to the owner or operator after determining that the motor
20 vehicle is in a safe and mechanically sound condition as required by law. The owner
21 or operator of a commercial motor vehicle shall keep a record of the annual inspection
22 of the vehicle.

23 * **Sec. 4.** AS 19.10.370 is amended to read:

24 **Sec. 19.10.370. Regulations.** The commissioner shall adopt [PROCEDURAL]
25 regulations [APPROPRIATE TO ACHIEVE COMPATIBILITY WITH OTHER
26 WESTERN STATES AND PROCEDURAL REGULATIONS NECESSARY] to
27 implement AS 19.10.310 - 19.10.399.

28 * **Sec. 5.** AS 19.10 is amended by adding a new section to read:

29 **Sec. 19.10.375. Impoundment.** (a) If a peace officer, or an employee of the
30 Department of Transportation and Public Facilities authorized by the commissioner to
31 issue citations, finds a commercial motor vehicle in operation without a current and

1 valid certificate of inspection under this chapter, the commercial motor vehicle may
 2 be impounded. The commercial motor vehicle may not be released from impoundment
 3 until

4 (1) a current and valid certificate of inspection under this chapter has
 5 been provided for the commercial motor vehicle; and

6 (2) any impoundment fees or charges have been paid.

7 (b) The department may adopt regulations to charge fees to recover costs of
 8 implementation of this section, including any cost of impoundment.

9 * **Sec. 6.** AS 19.10.399(1) is amended to read:

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

13 (A) used to transport passengers or property **for commercial**

14 **purposes;**

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

16 (C) that

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

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

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

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

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

29 (ii) farm vehicles that are controlled and operated by a
 30 farmer; used to transport agricultural products, farm machinery, or farm
 31 supplies to or from that farmer's farm; not used in the operations of a

1 common or contract motor carrier; and used within 150 miles of the
2 farmer's farm;

3 (iii) school buses;

4 (iv) vehicles owned and operated by the federal
5 government unless the vehicle is used to transport property of the
6 general public for compensation in competition with other persons who
7 own or operate a commercial motor vehicle subject to AS 19.10.310 -
8 19.10.399, and, except to the extent that regulation of vehicles operated
9 by the federal government, is permitted by federal law; and

10 (v) vehicles used exclusively for purposes other than
11 commercial purposes;

12 * **Sec. 7.** AS 28.10.021(c) is amended to read:

13 (c) An employee of the department who processes an application for
14 registration or renewal of registration, other than an application received by mail **or**
15 **an application for registration under AS 28.10.152**, shall ask the applicant orally
16 whether the applicant wishes to execute an anatomical gift or a living will. The
17 department shall make known to all applicants the procedure for executing a gift under
18 AS 13.50 (Uniform Anatomical Gifts Act) or a living will under AS 18.12 (Living
19 Wills and Do Not Resuscitate Orders) by displaying posters in the offices in which
20 applications are taken, by providing a brochure or other written information to each
21 person who applies in person or by mail, and, if requested, by providing oral advice.

22 * **Sec. 8.** AS 28.10.041(a) is amended to read:

23 (a) The department may refuse to register a vehicle if

24 (1) the application contains a false or fraudulent statement;

25 (2) the applicant fails to furnish information required by the
26 department;

27 (3) the applicant is not entitled to the issuance of a certificate of title
28 or registration under this chapter;

29 (4) the vehicle is determined to be mechanically unsafe to be driven or
30 moved on a highway, vehicular way or area, or other public property in the state;

31 (5) the department has reasonable grounds to believe that the vehicle

1 was stolen or fraudulently acquired or that the granting of registration would be a fraud
2 against the rightful owner or other person having a valid lien upon the vehicle;

3 (6) the registration of the vehicle has been suspended or revoked for
4 any reason under the laws of the state;

5 (7) the required fees or taxes have not been paid;

6 (8) the vehicle or applicant fails to comply with this chapter or
7 regulations implementing this section;

8 (9) the vehicle is without a certificate of inspection required under
9 AS 19.10.310;

10 (10) except for a vehicle to be registered under AS 28.10.152, the
11 vehicle is subject to a state-approved emission inspection program adopted under
12 AS 46.14.400 or 46.14.510, and the vehicle does not meet the standards of that
13 program, unless the vehicle uses a fuel source that does not primarily emit carbon
14 monoxide;

15 (11) the applicant fails to certify to the department the existence of a
16 motor vehicle liability policy that complies with AS 28.22.101 for the vehicle being
17 registered unless the owner of the vehicle qualifies as a self-insurer under
18 AS 28.20.400 or is exempted from obtaining liability insurance under AS 28.22.011.

19 * **Sec. 9.** AS 28.10.041(c) is amended to read:

20 (c) Except for a vehicle to be registered under AS 28.10.152, the [THE]
21 department shall refuse to register a vehicle subject to the federal heavy vehicle use
22 tax required by 26 U.S.C. 4481 (Internal Revenue Code of 1954) if the applicant fails
23 to furnish proof, in the form prescribed by the U.S. Secretary of the Treasury, that the
24 tax has been paid.

25 * **Sec. 10.** AS 28.10.108(a) is amended to read:

26 (a) Except for a vehicle registered under AS 28.10.152, a [A] vehicle
27 required to be registered under this chapter shall be registered under the procedures set
28 out in this section.

29 * **Sec. 11.** AS 28.10.121(a) is amended to read:

30 (a) A nonresident owner of a noncommercial vehicle registered outside the
31 state is exempt from the registration provisions of this chapter for 60 days after entry

1 into the state if the vehicle at all times when driven in this state is registered in and
 2 has displayed upon it a currently valid registration plate issued for it by another
 3 jurisdiction. However, if the person becomes gainfully employed in the state or takes
 4 action that indicates an intention to acquire residence in the state, the person shall
 5 comply with the licensing and registration provisions of this chapter within 10 days
 6 of commencement of employment or of taking action that indicates the person's
 7 intention to acquire residence. If the vehicle is a commercial vehicle, the vehicle must
 8 be registered when its commercial use begins except as provided in AS 28.10.011,
 9 [AND] 28.10.131(c), **and 28.10.152.**

10 * **Sec. 12.** AS 28.20.131(a) is amended to read:

11 (a) **Except for a vehicle to be registered under AS 28.10.152, if** [If] a
 12 vehicle to be registered under this chapter is previously registered outside the state, the
 13 jurisdiction of registry shall be stated in the application, and the owner shall surrender
 14 to the department all evidence of out-of-state registration in the owner's possession or
 15 control except as provided in this section [OR AS 28.10.141], and the department may
 16 require verification of the vehicle identification number.

17 * **Sec. 13.** AS 28.10.131(c) is amended to read:

18 (c) **Except as provided in AS 28.10.152, if** [IF] the owner of a commercial
 19 vehicle desires to maintain title in another jurisdiction, the department, when satisfied
 20 that the applicant is temporarily operating in-state and is the lawfully registered owner
 21 of the commercial vehicle, may register the commercial vehicle without issuing a title
 22 and shall type or stamp on the face of the State of Alaska certificate of registration
 23 "No Title Issued."

24 * **Sec. 14.** AS 28.10 is amended by adding a new section to read:

25 **Sec. 28.10.152. Temporary certificates of registration for certain**
 26 **commercial vehicles.** (a) If a commercial vehicle registered outside the state enters
 27 the state and is not to be registered under AS 28.10.121, 28.10.131, or another
 28 provision of this chapter, it must be temporarily registered under the provisions of this
 29 section.

30 (b) For a commercial vehicle to be registered under this section, the operator
 31 of the vehicle must provide proof of valid registration of the vehicle in another

1 jurisdiction and any other documentation required by the department by regulation.
2 Upon receipt of the proof of registration, any other required documentation, and
3 payment of the applicable fee under (d) of this section, the department, or its designee,
4 may issue a certificate of temporary registration, valid for 60 days, for the commercial
5 vehicle. The temporary certificate of registration must state the date of its issuance
6 and its expiration date.

7 (c) A temporary certificate of registration under this section may be issued for
8 a commercial vehicle even if such a certificate has previously been issued for the
9 vehicle and has expired.

10 (d) The fee for a temporary certificate of registration under this section is

11 (1) for a truck or a truck tractor, \$350;

12 (2) for a commercial bus, \$350;

13 (3) for all other commercial vehicles, including a trailer or a semi-
14 trailer, \$10.

15 (e) The annual estimated balance in the account maintained under
16 AS 37.05.142 for fees collected under this section may be appropriated by the
17 legislature to the Department of Transportation and Public Facilities for programs
18 related to commercial vehicles, including the administration and operation of weigh
19 stations and commercial vehicle safety programs.

20 * **Sec. 15.** AS 28.10.161(a) is amended to read:

21 (a) **Except for a vehicle registered under AS 28.10.152, the** [THE]
22 department, upon registering a vehicle, shall issue the owner one fully reflectorized
23 registration plate for a trailer or a motorcycle and two fully reflectorized registration
24 plates for every other vehicle. Except as specifically provided in AS 28.10.181, the
25 plate or plates must remain with the vehicle as long as the vehicle is subject to
26 registration under this chapter.

27 * **Sec. 16.** AS 28.10.201(a) is amended to read:

28 (a) Except as otherwise provided in (b) of this section or in AS 28.10.131 and
29 **28.10.152** [28.10.141], every owner of a vehicle subject to registration in this state
30 shall apply for a certificate of title under this chapter.

31 * **Sec. 17.** AS 28.10.201(d) is amended to read:

1 (d) Except for vehicles registered under AS 28.10.131(b) or (c) **or 28.10.152**
 2 [AND 28.10.141], the department may not register a vehicle unless the applicant for
 3 registration at the same time applies for and obtains a certificate of title under this
 4 chapter, or presents satisfactory evidence that a certificate of title was previously
 5 issued to the applicant. The department may not accept the application for the original
 6 certificate of registration or title to a vehicle unless the vehicle is in the state at the
 7 time of application. However, the department may accept an application for
 8 registration and certificate of title for a vehicle that is not in the state when the
 9 application is made by a registered and bonded dealer or by a resident of the state
 10 when the application is accompanied by a manufacturer's statement of origin, or in the
 11 case of a used vehicle, when the application is accompanied by a certificate of title
 12 issued in another jurisdiction.

13 * **Sec. 18.** AS 45.75.131(a) is amended to read:

14 (a) A peace officer or an employee of the Department of Transportation and
 15 Public Facilities who is authorized by the commissioner of transportation and public
 16 facilities to enforce this chapter may issue a citation to a person who

17 (1) violates a weight, size, or load limitation adopted by the Department
 18 of Transportation and Public Facilities under AS 19.10.060;

19 (2) violates the terms of an overweight or oversize vehicle permit
 20 issued under AS 19.10.060(b);

21 (3) violates a regulation adopted under **AS 19.10.060(c) or**
 22 **AS 28.05.011(a)(2)**, or under AS 19.10.060(b) and AS 45.75.050(b)(5); or

23 (4) commits a violation identified under AS 45.75.380.

24 * **Sec. 19.** AS 45.75.380(a) is amended to read:

25 (a) A person commits a violation subject to the penalty specified in
 26 AS 12.55.035(b)(5) if the person does one or more of the following acts:

27 (1) uses or has in possession for the purpose of using for a commercial
 28 purpose specified in AS 45.75.080, sells, offers, or exposes for sale, or hire, or has in
 29 possession for the purpose of selling or hiring, an incorrect weight or measure or a
 30 device or instrument used to or calculated to falsify a weight or measure;

31 (2) uses or has in possession for current use, in buying or selling a

1 commodity or thing, or for hire or award, or in the computation of a basic charge or
2 payment for services rendered on the basis of weight or measurement, or in the
3 determination of weight or measurement when a charge is made for determination, a
4 weight or measure that has not been tested and sealed by the appropriate authority
5 within one year, unless

6 (A) the person gives written notice to the appropriate authority
7 to the effect that the weight or measure is available for examination, or is due
8 for reexamination, as the case may be;

9 (B) the person receives specific written permission to use the
10 weight or measure from the appropriate authority; or

11 (C) the weight or measure is exempt from sealing or annual
12 testing requirements by AS 45.75.080 or by a regulation adopted under
13 AS 45.75.050;

14 (3) disposes of a rejected or condemned weight or measure in a manner
15 contrary to law or regulation;

16 (4) removes from a weight or measure, contrary to law or regulation,
17 a tag, seal, or mark placed on it by the appropriate authority;

18 (5) sells or offers for sale less than the quantity the person represents
19 of a commodity, thing, or service;

20 (6) takes more than the quantity the person represents of a commodity,
21 thing, or service when, as buyer, the person furnished the weight or measure that the
22 seller used to determine the amount of the commodity, thing, or service;

23 (7) keeps for the purpose of sale, advertises, or offers for sale, or sells
24 a commodity, thing, or service in a condition or manner contrary to law or regulation;

25 (8) uses in retail trade, except in the preparation of packages put up in
26 advance of sale and of medical prescriptions, a weight or measure that is not so
27 positioned that a customer may accurately read, from a position that may reasonably
28 be assumed by a customer, its indications and observe the weighing or measuring
29 operation;

30 (9) hinders or obstructs the director, an inspector, a sealer, or a deputy
31 sealer in the performance of official duties under this chapter;

1 (10) violates a provision of an overweight or oversize vehicle permit
2 issued under AS 19.10.060(b);

3 (11) violates a weight, load, or size limitation established under
4 AS 19.10.060 or a regulation adopted under AS 19.05.020, **AS 19.10.060**
5 [AS 19.10.060(b)], or AS 45.75.050(b)(5);

6 (12) violates a provision of this chapter or a regulation adopted under
7 this chapter for which a specific penalty is not prescribed.

8 * **Sec. 20.** AS 19.10.320, 19.10.330, 19.10.350, 19.10.360; AS 28.10.011(9), and 28.10.141
9 are repealed.

10 * **Sec. 21.** TRANSITION: REGULATIONS. Notwithstanding sec. 23 of this Act, the
11 Department of Administration and the Department of Transportation and Public Facilities may
12 proceed to adopt regulations necessary to implement their respective provisions in this Act.
13 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
14 effective date of secs. 1 - 20 of this Act.

15 * **Sec. 22.** Section 21 of this Act takes effect immediately under AS 01.10.070(c).

16 * **Sec. 23.** Except as provided in sec. 22 of this Act, this Act takes effect July 1, 1998.