

HOUSE BILL NO. 19

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BRICE

Introduced: 1/19/99

Referred: Community and Regional Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the maintenance of certain access structures."**

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

3 *** Section 1.** AS 12.25.190(c) is amended to read:

4 (c) The person cited for the crime shall give a written promise to appear in
5 court by signing at least one copy of the written citation prepared by the peace officer,
6 and the officer shall deliver a copy of the citation to the person. The written promise
7 requirement of this subsection does not apply to motor vehicle and traffic citations for
8 which a bail or fine schedule has been established under AS 28.05.151, fish and game
9 citations for which a bail schedule has been established under AS 16.05.165, citations
10 issued under AS 04.21.065, citations issued under AS 18.35.341, **citations issued**
11 **under AS 18.35.410**, citations issued in state park and recreational facilities under
12 AS 41.21.960, or littering citations issued under AS 46.06.080.

13 *** Sec. 2.** AS 18.35 is amended by adding new sections to read:

14 **Article 4. Access Ramps and Curb Cuts.**

15 **Sec. 18.35.400. Maintenance of access ramps and curb cuts.** (a) A

1 governmental entity and a person engaged in business shall remove ice and snow from
 2 the access ramps of the entity's or person's facility as necessary to maintain the ramps
 3 in a safe and usable condition during the normal hours of operation of the facility.

4 (b) A state agency and a municipality shall remove from the curb cuts for
 5 which the state agency or municipality has maintenance responsibility ice and snow
 6 as necessary to maintain the curb cuts in a safe and usable condition.

7 (c) In this section,

8 (1) "access ramp" means a sloped structure that is used by individuals
 9 to gain access to a facility;

10 (2) "curb cut" means a constructed slope that is designed for use by
 11 individuals to move between streets and sidewalks;

12 (3) "facility" means a permanent or temporary structure, including a
 13 mobile home, that is used by a person to carry out governmental or business activities,
 14 but does not include a structure that is used as a single-family residence;

15 (4) "governmental entity" means a state agency, a municipality, a
 16 school district, and a regional educational attendance area;

17 (5) "state agency" means

18 (A) a department, institution, board, commission, division,
 19 authority, public corporation, or other administrative unit of the executive
 20 branch of the state, including the University of Alaska, the Alaska Railroad
 21 Corporation, the Alaska Housing Finance Corporation, and the Alaska
 22 Aerospace Development Corporation;

23 (B) a committee, division, or administrative unit of the
 24 legislative branch, including the Alaska Legislative Council, the office of the
 25 ombudsman, and the Legislative Affairs Agency.

26 **Sec. 18.35.405. Penalty.** (a) A person who violates AS 18.35.400 is guilty
 27 of a violation and upon conviction is punishable by a fine of \$100. Each day a
 28 violation of AS 18.35.400 continues after a citation for the violation has been issued
 29 constitutes a separate violation.

30 (b) It is an affirmative defense to a prosecution under (a) of this section that
 31 the defendant took reasonable steps under the weather conditions to remove the snow

1 and ice from the access ramps or curb cuts.

2 **Sec. 18.35.410. Citations.** (a) A peace officer may issue a citation for a
3 violation of AS 18.35.400. The provisions of AS 12.25.180(b) and 12.25.190 -
4 12.25.230 apply to the issuance of a citation under this subsection.

5 (b) The scheduled amount of bail for a violation of AS 18.35.400 is \$100.
6 The bail amount must appear on the citation.

7 **Sec. 18.35.415. Definition of violation.** In AS 18.35.405 - 18.35.410,
8 "violation" has the meaning given in AS 11.81.900(b).