



# LAWS OF ALASKA

2003

**Source**  
HB 124

**Chapter No.**  
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## AN ACT

Relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Relating to commercial motor vehicle drivers and their employers and to railroad-highway  
2 grade crossings; and providing for an effective date.

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4 \* **Section 1.** AS 28.33.120 is amended to read:

5 **Sec. 28.33.120. Responsibilities of employers of commercial motor vehicle**  
6 **driver.** An employer of a commercial motor vehicle driver

7 (1) shall require an applicant for employment to provide the  
8 information required under AS 28.33.110(c);

9 (2) may not knowingly allow, require, permit, assign, or authorize a  
10 driver to drive a commercial motor vehicle during a period in which

11 (A) the driver's license is suspended, revoked, or canceled by a  
12 state;

13 (B) the driver has lost the privilege to drive a commercial  
14 motor vehicle in a state;

15 (C) the driver has been disqualified from driving a commercial

1 motor vehicle;

2 (D) the driver has more than one driver's license; [OR]

3 (E) the driver is not licensed to drive a commercial motor  
4 vehicle; **or**

5 **(3) may not knowingly allow, require, permit, assign, or authorize**  
6 **the driver to operate a commercial motor vehicle in violation of a federal or state**  
7 **statute or regulation, or a local law or ordinance, relating to railroad-highway**  
8 **grade crossings.**

9 \* **Sec. 2.** AS 28.33.140(a) is amended to read:

10 (a) In addition to the court action provided in AS 28.15.181, conviction of any  
11 of the following offenses is grounds for immediate disqualification from driving a  
12 commercial motor vehicle for the periods set out in this section:

13 (1) operating a commercial motor vehicle while under the influence of  
14 an alcoholic beverage, inhalant, or controlled substance in violation of AS 28.33.030;

15 (2) refusal to submit to a chemical test in violation of AS 28.35.032;

16 (3) operating a motor vehicle while under the influence of an alcoholic  
17 beverage, inhalant, or controlled substance in violation of AS 28.35.030;

18 (4) leaving the scene of an accident in violation of AS 28.35.060, or  
19 failing to file, or providing false information in, an accident report in violation of  
20 AS 28.35.110;

21 (5) a felony under state or federal law, which was facilitated because  
22 the person used a commercial motor vehicle;

23 (6) a serious traffic violation; [OR]

24 (7) driving after being placed out of service in violation of regulations  
25 adopted under AS 28.05.011; **or**

26 **(8) operating a commercial motor vehicle in violation of a federal**  
27 **or state statute or regulation, or a local law or ordinance, relating to railroad-**  
28 **highway grade crossings.**

29 \* **Sec. 3.** AS 28.33.140 is amended by adding a new subsection to read:

30 (k) A court convicting a person of an offense described in (a)(8) of this section  
31 shall disqualify that person from operating a commercial motor vehicle for the

1 following periods: (1) if the person has not been previously convicted of violating a  
2 federal or state statute or regulation, or a local law or ordinance, relating to railroad-  
3 highway grade crossings, not less than 60 days; (2) if the person has been previously  
4 convicted once of violating a federal or state statute or regulation, or a local law or  
5 ordinance, relating to railroad-highway grade crossings, not less than 120 days; (3) if  
6 the person has been previously convicted more than once of a violation of a federal or  
7 state statute or regulation, or a local law or ordinance, relating to railroad-highway  
8 grade crossings, not less than one year. In this subsection, "previously convicted"  
9 means having been convicted in this or another jurisdiction of an offense described in  
10 (a)(8) of this section within three years proceeding the date of the present offense.

11 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).