

SENATE CS FOR HOUSE BILL NO. 124(TRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered: 4/16/03

Referred: Rules

Sponsor(s): REPRESENTATIVES HOLM, Dahlstrom, Lynn

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to commercial motor vehicle drivers and their employers and to**
2 **railroad-highway grade crossings; and providing for an effective date."**

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

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;

1 (C) the driver has been disqualified from driving a commercial
2 motor vehicle;

3 (D) the driver has more than one driver's license; or

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (k) A court convicting a person of an offense described in (a)(8) of this section

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

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