

**ALASKA STATE LEGISLATURE**  
**SENATE TRANSPORTATION STANDING COMMITTEE**

April 15, 2003

1:40 p.m.

**MEMBERS PRESENT**

Senator John Cowdery, Chair  
Senator Thomas Wagoner, Vice Chair  
Senator Donny Olson  
Senator Gene Therriault

**MEMBERS ABSENT**

Senator Georgianna Lincoln

**COMMITTEE CALENDAR**

HOUSE BILL NO. 124

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

MOVED SCS HB 124(TRA) OUT OF COMMITTEE

**PREVIOUS ACTION**

HB 124 - See Labor and Commerce minutes dated 3/27/03 and 4/3/03.

**WITNESS REGISTER**

Mr. Todd Larkin  
Staff to Representative Holm  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Presented HB 124 for the sponsor

**ACTION NARRATIVE**

**TAPE 03-15, SIDE A**

**CHAIR JOHN COWDERY** called the Senate Transportation Standing Committee meeting to order at 1:40 p.m. Senators Wagoner, Olson and Chair Cowdery were present. Senator Therriault arrived momentarily. The committee took up HB 124.

**HB 124-COMMERCIAL MOTOR VEHICLE DRIVERS/EMPLOYER**

MR. TODD LARKIN, staff to Representative Holm, sponsor of HB 124, gave the following overview of the measure.

HB 124 seems to us a pretty simple bill. It basically addresses a gap in state statute that was threatening the loss of some of our highway funds. Apparently when you train for a CDL, they teach you if you're driving certain kinds of commercial vehicles, you need to stop at all railroad crossings, run your flashers, check and go - check for a train and go. In the federal code it states that also, but apparently in Alaska statute it just doesn't. So, the governor's office noticed the oversight and we carried it through the Governor. Our research confirmed the same thing. It turns out that some highway funds are in jeopardy if we are not in compliance with that federal code so this is the minimum necessary to get us into compliance.

SENATOR OLSON asked whether the Alaska Trucking Association had any input on this bill.

MR. LARKIN said that Representative Holm received no negative comments from the Teamsters Union or Alaska Trucking Association. He noted the lobbyist that represents the trucking and shipping industry said they are comfortable with the bill.

CHAIR COWDERY affirmed that he received the same information.

MR. LARKIN said the Department of Law (DOL) said the training in Alaska is so good that the Department of Public Safety (DPS) has not handed out a citation for this offense in 12 years.

SENATOR OLSON asked if the truck drivers and truck owners have weighed in positively on this legislation.

MR. LARKIN affirmed they had and said this legislation has had a lot of exposure.

SENATOR WAGONER asked if this legislation would pertain to every commercially operated vehicle driven by someone with a CDL. He questioned whether it would cover FedEx drivers.

MR. LARKIN said the language in the bill purposely refers back to the federal code that specifies whom this applies to.

CHAIR COWDERY proposed an amendment to page 2, line 27, to insert the word "knowingly" between "(8)" and "operating".

MR. LARKIN said he had not spoken with anyone from DPS to determine whether that language change would make it more difficult to issue citations. He said that Representative Holm is not opposed to the amendment but requests that it is made in a conceptual format so that the legal drafter could take that concern into consideration.

CHAIR COWDERY said that was his intention and that without objection, the amendment was adopted.

SENATOR WAGONER motioned to pass SCS HB 124(TRA) from committee with individual recommendations and attached fiscal note.

CHAIR COWDERY announced that without objection, the motion carried. He adjourned the meeting at 1:47 p.m.