

CS FOR HOUSE BILL NO. 266(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 4/15/05

Referred: Judiciary, Finance

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to offenses and penalties for violation of vehicle weight limitations;**
2 **prohibiting the use of a violation of a vehicle weight limitation for certain personal**
3 **automobile insurance actions; amending Rule 43.6, Alaska Rules of Administration; and**
4 **providing for an effective date."**

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

6 *** Section 1.** AS 21.36 is amended by adding a new section to read:

7 **Sec. 21.36.307. Effect of overweight vehicle offenses on personal**
8 **automobile insurance.** (a) An insurer may not take adverse action relating to the
9 personal automobile insurance of a driver who commits one or more violations related
10 to an overweight vehicle under AS 45.75.380(a)(10) or (11).

11 (b) In this section, "adverse action" means the cancellation, refusal to insure,
12 denial or failure to renew, increase in premiums, placement with an affiliate that
13 charges higher premiums or offers less favorable policy terms, or any other action that
14 increases the cost or decreases the extent of coverage or availability of personal

1 automobile insurance to the driver.

2 * **Sec. 2.** AS 45.75.380(b) is repealed and reenacted to read:

3 (b) Notwithstanding the maximum fine for a violation provided under (a) of
4 this section, a person who does one or more of the acts in (a)(10) or (11) of this
5 section, shall pay a penalty as follows:

6 (1) if the vehicle is 1,001 - 2,000 pounds overweight, the fine is \$150;

7 (2) if the vehicle is 2,001 - 4,000 pounds overweight, the fine is \$.08
8 for each pound over the weight limitation;

9 (3) if the vehicle is 4,001 - 6,000 pounds overweight, the fine is \$.12
10 for each pound over the weight limitation;

11 (4) if the vehicle is 6,001 - 8,000 pounds overweight, the fine is \$.16
12 for each pound over the weight limitation;

13 (5) if the vehicle is 8,001 - 10,000 pounds overweight, the fine is \$.20
14 for each pound over the weight limitation;

15 (6) if the vehicle is 10,001 or more pounds overweight, the fine is \$.24
16 for each pound over the weight limitation.

17 * **Sec. 3.** AS 45.75.380 is amended by adding a new subsection to read:

18 (c) A motor carrier commits a violation subject to the penalty specified in
19 AS 12.55.035(c)(1)(D) if the motor carrier exhibits a pattern or practice of doing the
20 acts described in (a)(10) or (11) of this section. The penalty imposed under this
21 subsection is in addition to any penalty imposed under (a) or (b) of this section. In the
22 application of this subsection,

23 (1) a "pattern or practice of violation" is presumed to exist if, during a
24 12-month period,

25 (A) 15 or more violations under (a)(10) or (11) of this section
26 related to overweight vehicles are attributed to a motor carrier with 25 or fewer
27 drivers;

28 (B) 30 or more violations under (a)(10) or (11) of this section
29 are attributed to a motor carrier with 26 - 100 drivers; or

30 (C) 45 or more violations under (a)(10) or (11) of this section
31 are attributed to a motor carrier with 101 or more drivers;

1 (D) three or more violations under 49 U.S.C. 5903(a) are
2 attributed to a person to whom 49 U.S.C. 5902(b) applies;

3 (2) the number of violations in a 12-month period shall be determined
4 by adding together the violations committed by the motor carrier or any employee,
5 contractor, agent, or other person under the direction or control of the motor carrier
6 during the 12-month period; and

7 (3) the presumption in (1) of this subsection may be rebutted by
8 evidence submitted by the motor carrier that disproves the existence of a pattern or
9 practice of violation, notwithstanding the threshold number of violations attributed to
10 the motor carrier.

11 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **INDIRECT COURT RULE AMENDMENT.** Section 2 of this Act has the effect of
14 changing Rule 43.6, Alaska Rules of Administration, by increasing the maximum fine for
15 overweight vehicle violations.

16 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **APPLICABILITY.** (a) Section 1 of this Act applies to an adverse action taken by an
19 insurer on or after the effective date of this Act relating to a violation of vehicle weight
20 limitations occurring before, on, or after the effective date of this Act.

21 (b) Sections 2 and 3 of this Act apply to an offense committed on or after the effective
22 date of this Act.

23 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 **CONDITIONAL EFFECT.** Section 2 of this Act takes effect only if sec. 4 of this Act
26 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
27 of the State of Alaska.

28 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).