

**CS FOR HOUSE BILL NO. 266(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 1/27/06**

**Referred: Rules**

**Sponsor(s): HOUSE TRANSPORTATION COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to penalties for violation of vehicle weight limitations; prohibiting the**  
2 **use of a violation of a vehicle weight limitation for certain personal automobile**  
3 **insurance actions; amending Rule 43.6, Alaska Rules of Administration; and providing**  
4 **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2 \* **Sec. 2.** AS 45.75.380(b) is repealed and reenacted to read: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 \$100;

7 (2) if the vehicle is 2,001 - 4,000 pounds overweight, the fine is \$.07  
8 for each pound over the weight limitation;

9 (3) if the vehicle is 4,001 - 6,000 pounds overweight, the fine is \$.09  
10 for each pound over the weight limitation;

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

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

15 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

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

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

22 **TWO-THIRDS VOTE NOT REQUIRED.** Because Rule 43.6, Alaska Rules of  
23 Administration, was adopted under the Alaska Supreme Court's interpretive authority  
24 exercised under art. IV, sec. 1, Constitution of the State of Alaska, sec. 2 of this Act takes  
25 effect for purposes of Rule 43.6, Alaska Rules of Administration, without needing to meet the  
26 two-thirds vote requirement normally applicable to changing court rules under art. IV, sec. 15,  
27 Constitution of the State of Alaska.

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

30 **APPLICABILITY.** (a) Section 1 of this Act applies to an adverse action taken by an  
31 insurer on or after the effective date of this Act relating to a violation of vehicle weight

1 limitations occurring before, on, or after the effective date of this Act.

2 (b) Section 2 of this Act applies to an offense committed on or after the effective date  
3 of this Act.

4 \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).