

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

April 12, 2005

3:04 p.m.

MEMBERS PRESENT

Representative Jim Elkins, Co-Chair
Representative Carl Gatto, Co-Chair
Representative Vic Kohring
Representative Mark Neuman
Representative Bill Thomas
Representative Woodie Salmon

MEMBERS ABSENT

Representative Mary Kapsner

COMMITTEE CALENDAR

HOUSE BILL NO. 266

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

- FAILED TO MOVE OUT OF COMMITTEE

HOUSE BILL NO. 199

"An Act excluding certain trucks from the definition of 'passenger vehicle' for purposes of the passenger vehicle rental tax; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 209

"An Act establishing the Aviation Advisory Board; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 239

"An Act relating to the powers and duties of the Department of Transportation and Public Facilities; repealing the requirement for a long-range program for highway construction and maintenance; and repealing a requirement that public facilities

comply with energy standards adopted by the Department of Transportation and Public Facilities."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 259

"An Act relating to covered or enclosed loads."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 266

SHORT TITLE: VEHICLE WEIGHTS AND INSURANCE

SPONSOR(S): TRANSPORTATION

04/08/05	(H)	READ THE FIRST TIME - REFERRALS
04/08/05	(H)	TRA, JUD, FIN
04/12/05	(H)	TRA AT 1:30 PM CAPITOL 17

WITNESS REGISTER

AVES D. THOMPSON, Director
Division of Measurement Standards and Commercial Vehicle
Enforcement
Department of Transportation & Public Facilities (DOT)
POSITION STATEMENT: Testified in support of HB 266.

BILLY CONNOR, Statewide Research Manager
Department of Transportation & Public Facilities
Fairbanks, Alaska
POSITION STATEMENT: Testified in support of HB 266.

BRAD BROWN
Horizon Lines
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 266.

RICHARD ASAY
Asay Trucking
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to the fines imposed
by HB 266.

PAUL FUHS
Horizon Lines
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 266.

ACTION NARRATIVE

CO-CHAIR CARL GATTO called the House Transportation Standing Committee meeting to order at [3:04:14 PM](#). Representatives Gatto, Elkins, Neuman, and Thomas were present at the call to order. Representatives Kohring and Salmon arrived while the meeting was in progress.

HB 266-VEHICLE WEIGHTS AND INSURANCE

CO-CHAIR GATTO announced that the first order of business would be HOUSE BILL NO. 266 "An Act relating to offenses and penalties for violation of vehicle weight limitations; prohibiting the use of a violation of a vehicle weight limitation for certain personal automobile insurance actions; amending Rule 43.6, Alaska Rules of Administration; and providing for an effective date."

AVES D. THOMPSON, Director, Division of Measurement Standards and Commercial Vehicle Enforcement, Department of Transportation & Public Facilities, Anchorage, said Section 1 of HB 266 prohibits the use of overweight vehicle violations by insurers to adversely impact private automobile insurance coverage for drivers. He said the driver often has little knowledge of the weight of his or her vehicle. Section 2 increases penalties for overweight vehicle violations, and it is the first increase since the 1970s, he said. Current fines are not adequate deterrents to overweight violations, he stated.

[3:06:19 PM](#)

MR. THOMPSON explained that Section 3 establishes a new offence for carriers who commit a sufficient number of violations that constitutes a pattern. The maximum fine for a pattern of violations is \$10,000, and it will motivate commercial carriers to be much more rigorous in following weight limits, he said. The damage to streets and highways from overweight trucks is escalating, he noted, and "we need to provide a sufficient deterrent to the loading of illegal, overweight trucks." Personal insurance rates go up for drivers who are not the responsible party, he concluded.

[3:08:10 PM](#)

REPRESENTATIVE NEUMAN said he worked as a truck driver, and the individual driver doesn't have much say in the truck's load and may not be knowledgeable about the load limits. "I just don't think that that's fair to put that on there, let alone, I know the accuracy of some of the scales," he said.

[3:10:39 PM](#)

MR. THOMPSON said that is what the bill is trying to address; it will take away an insurance company's ability to blame the driver for those citations. The new pattern offence is designed to identify those dispatchers or companies insisting the drivers take the loads, he explained.

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CO-CHAIR ELKINS asked about road damage by overweight vehicles.

REPRESENTATIVE THOMAS said the blatant violations are the ones that should be penalized. He said he used to haul logs.

MR. THOMPSON said penalties increase geometrically with the weights, penalizing the worst violators more heavily.

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BILLY CONNOR, Statewide Research Manager, Department of Transportation & Public Facilities, Fairbanks, said overweight trucks contribute to damage to pavement and bridges, which are both designed for trucks, not cars. There are also safety concerns because overloaded trucks can't stop as quickly, he noted. It costs the state \$500,000 per mile to rehabilitate a rural highway. He gave an example of the Parks Highway, north of Wasilla, which is designed to be used by 1.1 million trucks over a 15-year period. A five-axle truck that is 4,000 pounds overweight is equal to more than four average trucks. A legally-loaded truck costs the state \$0.70 per mile.

CO-CHAIR GATTO asked what drivers contribute in fuel tax.

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MR. CONNOR said the fuel tax provides about \$0.02 per mile, so it does not come anywhere near paying for road maintenance. A trucker carrying an extra 4,000 pounds saves about \$1.00 per mile, and the state wants to take the profit motive away from

violators to help offset construction and repair costs. There is also a cost in the delay to travelers, he added.

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MR. CONNOR used the assumption that the state is willing to bear the cost of a legally loaded truck. He said a fine schedule should pay for the damage and public costs, and it should remove the profit motive. He said HB 266 will generate about \$147,000, but the goal is reducing overweight trucks, not generating revenue.

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CO-CHAIR GATTO asked if a driver can get a permit for overloads.

MR. CONNOR said there is a permit policy.

CO-CHAIR ELKINS said an overload permit requires a truck to drive slowly.

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BRAD BROWN, Horizon Lines, Anchorage, Alaska, said he will speak with three voices: as a Horizon Lines employee, as an owner/operator of a trucking business, and as a retired trooper. As a Horizon Lines employee he said he is in support of increased scrutiny of overweight loads. The company is trying to emphasize accurate documentation of its shippers who sometimes overload containers. The bill will also release the drivers of repercussions.

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MR. BROWN said as an owner and operator of a dirt hauling business, he is required to measure trucks for allowable weight. A driver would not get a weight ticket unless the load was legal, so it is policing itself, he added. He said being paid by the ton is an incentive to overload. As a retired state trooper, he said he operated portable scales, which had a tolerance of 1,000 pounds and were kept current.

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CO-CHAIR ELKINS asked if the bill will hinder small carriers from making a wage.

MR. BROWN said not if they are operating legally. It will enhance the business when everyone has the same standard.

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RICHARD ASAY, Asay Trucking, Anchorage, said Section 2 is a concern to the "small guy." The fines are a little extreme, he added. He said he has been trucking since 1962 and has a few overweight tickets. "I think that if a person gets a 30,000 pound ticket he needs to go to jail ... that's gross negligence." He said he would call it reckless driving. He said he always gets permitted. "I think this will be a very hard detriment on anybody that's a small carrier with one or two trucks," he concluded.

[3:32:42 PM](#)

CO-CHAIR ELKINS asked if Mr. Asay meant that the driver would have a hard time getting reimbursed from the shipper who made the truck overweight.

MR. ASAY said there is no way to go back to the shipper.

CO-CHAIR ELKINS said the bill allows the trucker to get reimbursement from the shipper who violates the rule.

REPRESENTATIVE NEUMAN asked if he would often be in violation if HB 266 were enacted.

MR. ASAY said no more often than the past, and that is seldom. He said that there needs to be an increase in the fines, but the increase is "pretty steep."

CO-CHAIR GATTO said there have been no increases since 1974.

MR. ASAY said truck revenue is less now than it was in 1985.

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PAUL FUHS, Horizon Lines, Juneau, said it is important to get to the shippers who are responsible for the load weight. The state can't write a ticket to a shipper, because that would be a civil action that ends up in court, lasting years and costing huge amounts of money for the state. In HB 266, the driver will charge the shipper for the ticket, and the driver does not get points on his or her driver license. He noted a drafting error on page 3, line 1, relating to someone who intentionally

overloads a container and misrepresents the load. It should be amended to say "shipper", not "driver", he said.

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CO-CHAIR GATTO offered conceptual Amendment 1 as follows:

Page 3, line 2, after "to a"
Delete "motor carrier"
Insert "shipper"

There being no objection, conceptual Amendment 1 carried.

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CO-CHAIR ELKINS said the fines have not been increased since 1974. The bill is a good step in the right direction.

CO-CHAIR ELKINS moved to report HB 266, Version F, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE SALMON objected. He said the fines are too high for small private carriers, and it won't hurt the big carriers.

CO-CHAIR GATTO asked if it is because a small company loads trucks without a scale.

REPRESENTATIVE SALMON said, "When you start fining these small people ... then their profits start coming down."

REPRESENTATIVE NEUMAN asked what an alternative would be.

CO-CHAIR GATTO said there is no secondary schedule for fines. He noted that the committee got a good presentation on why it is important not to damage roads, and the costs associated with fixing them. The fines do not cover all the damage, so someone could say the fines were too low, he said.

CO-CHAIR ELKINS said the damage to the highway is the same for a small or big operator.

REPRESENTATIVE NEUMAN said a truck driver moving equipment does not have a "weight guy," and trying to judge weight is difficult. Containers have a bill of lading, he noted, so that is different. "The guy who is traveling down the road and all

of a sudden road restrictions are on, and he gets caught," he said. It is serious money coming out of their pocket.

CO-CHAIR ELKINS said a trucker has the ability to get an overweight permit to travel the appropriate speed on any highway or road in the state of Alaska.

REPRESENTATIVE KOHRING said he agrees with Representatives Neuman and Salmon.

CO-CHAIR GATTO said airplanes have professional loaders.

REPRESENTATIVE THOMAS declared that greed comes in all fashions, and there are those who see an opportunity to make a few more bucks by being illegal, "and they don't care about the roads." He said truckers know the weight; they know what they're doing.

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REPRESENTATIVE THOMAS said it is also a safety issue, "You drive down with a school bus in front of you and lose your brakes and wipe them out--you go tell the parents we failed this bill because we were greedy for the little guy."

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A roll call vote was taken. Representatives Elkins, Thomas, and Gatto voted in favor of HB 266. Representatives Salmon, Kohring, and Neuman voted against it. Therefore, CSHB 266 (TRA) failed to move from the House Transportation Standing Committee by a vote of 3-3.

CO-CHAIR GATTO said he will continue to hold the bill.

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ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting adjourned at [3:49 PM](#)