

CS FOR HOUSE BILL NO. 378(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 3/28/14

Referred: Rules

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to motor vehicle registration; relating to drivers' licenses; relating to**
2 **instruction permits; relating to commercial motor vehicles and commercial motor**
3 **carriers; and providing for an effective date."**

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

5 *** Section 1.** AS 28.10.041(a) is amended to read:

6 (a) The department may refuse to register a vehicle if

7 (1) the application contains a false or fraudulent statement;

8 (2) the applicant fails to furnish information required by the
9 department;

10 (3) the applicant is not entitled to the issuance of a certificate of title or
11 registration under this chapter;

12 (4) the vehicle is determined to be mechanically unsafe to be driven or
13 moved on a highway, vehicular way or area, or other public property in the state;

14 (5) the department has reasonable grounds to believe that the vehicle

1 was stolen or fraudulently acquired or that the granting of registration would be a
 2 fraud against the rightful owner or other person having a valid lien on [UPON] the
 3 vehicle;

4 (6) the registration of the vehicle has been suspended or revoked for
 5 any reason under the laws of the state;

6 (7) the required fees or taxes have not been paid;

7 (8) the vehicle or applicant fails to comply with this chapter or
 8 regulations implementing this section;

9 (9) the vehicle is without a certificate of inspection required under
 10 AS 19.10.310;

11 (10) except for a vehicle to be registered under AS 28.10.152, the
 12 vehicle is subject to a state-approved emission inspection program adopted under
 13 AS 46.14.400 or 46.14.510, and the vehicle does not meet the standards of that
 14 program;

15 (11) the applicant fails to certify to the department the existence of a
 16 motor vehicle liability policy that complies with AS 28.22.101 for the vehicle being
 17 registered unless the owner of the vehicle qualifies as a self-insurer under
 18 AS 28.20.400 or is exempted from obtaining liability insurance under AS 28.22.011;

19 **(12) the applicant is a commercial motor carrier prohibited from**
 20 **operating by a federal agency.**

21 * **Sec. 2.** AS 28.10.051(a) is amended to read:

22 (a) The department may suspend or revoke the registration of a vehicle, the
 23 certificate of registration or registration plates for a vehicle, or a special permit when

24 (1) the department determines that the registration or certificate, plate,
 25 or permit was fraudulently procured or erroneously issued;

26 (2) the department determines that a registered vehicle is mechanically
 27 unsafe to be driven or moved on a highway, vehicular way or area, or other public
 28 property in this state and the vehicle has been seized or impounded under
 29 AS 28.05.091;

30 (3) a registered vehicle has been scrapped, dismantled, or destroyed
 31 beyond repair;

1 (4) the department determines that a required fee or tax has not been
2 paid and the fee or tax is not paid upon reasonable notice and demand;

3 (5) a registration plate, permit, or certificate is knowingly displayed **on**
4 [UPON] a vehicle other than the vehicle for which issued;

5 (6) the department determines that the owner of a vehicle has
6 committed an offense under this chapter involving the registration or the certificate,
7 plate, or permit to be suspended or revoked;

8 (7) the vehicle has been reported to the department as stolen or
9 unlawfully converted;

10 (8) the department is otherwise required to do so under the laws of this
11 state;

12 (9) the department determines that the vehicle owner has violated the
13 requirements of AS 28.10.146 or 28.10.147;

14 (10) the department determines that a repair to a commercial motor
15 vehicle, ordered by the Department of Transportation and Public Facilities or the
16 Department of Public Safety under regulations adopted under AS 19, was not
17 completed after the owner or operator represented to the Department of Transportation
18 and Public Facilities, the Department of Public Safety, or the Department of
19 Administration that the repair had been completed; [OR]

20 (11) the owner or operator of a commercial motor vehicle has placed a
21 commercial motor vehicle back in service after it has been placed out of service by the
22 Department of Transportation and Public Facilities or the Department of Public Safety
23 without having it reinspected as required under regulations adopted under AS 19;

24 **(12) the owner or operator is a commercial motor carrier**
25 **prohibited from operating by a federal agency; or**

26 **(13) the commercial motor vehicle is subject to an out-of-service**
27 **order issued by a state or federal agency.**

28 * **Sec. 3.** AS 28.10.411(f) is amended to read:

29 (f) A resident 65 years of age or older on January 1 of the year the vehicle is
30 registered or a resident with a disability that limits or impairs the ability to walk and
31 who provides proof of that disability as provided in 23 C.F.R. 1235.2 is entitled to an

1 exemption from the registration fee required under this section for one vehicle subject
2 to registration under AS 28.10.421(b)(1)(A), (b)(2), (b)(4), or (b)(5)
3 [AS 28.10.421(b)(1), (2), (5), OR (6)]. An exemption may not be granted except upon
4 written application for the exemption on a form prescribed by the department.

5 * **Sec. 4.** AS 28.10.421(b) is repealed and reenacted to read:

6 (b) The biennial registration fees under this subsection are imposed within the
7 following classifications for

8 (1) a vehicle not exceeding 10,000 pounds unladen weight as
9 established by the manufacturer's advertised weight or on the actual weight, which the
10 owner shall furnish, subject to the approval of the commissioner or the commissioner's
11 representative that is a

12 (A) passenger vehicle, low-speed vehicle, pick-up truck, truck,
13 or van not used or maintained for the transportation of persons or property for
14 hire or for other commercial use and not registered in the name of a company
15 or business \$100;

16 (B) a taxicab \$160;

17 (2) a motor home not used or maintained for the transportation of
18 persons or property for hire or for other commercial use and not registered in the name
19 of a company or business \$100;

20 (3) a motor bus with a seating capacity of

21 (A) less than 20 persons and used exclusively for commercial
22 purposes in the transporting of visitors or tourists \$100;

23 (B) 20 or more persons and used exclusively for commercial
24 purposes in the transporting of visitors or tourists \$300;

25 (4) a motorcycle or a motor-driven cycle \$60.

26 (5) a trailer not used or maintained for the transportation of persons or
27 property for hire or for other commercial use, including a boat trailer, baggage trailer,
28 box trailer, utility trailer, house trailer, travel trailer, or trailer rented or offered for rent
29 \$30;

30 * **Sec. 5.** AS 28.10.421(c) is amended to read:

31 (c) The biennial registration fees under this subsection are imposed for a

vehicle not subject to registration under (b) of this section and are based **on** [UPON] the actual unladen weight as established by the manufacturer's advertised weight or **on** [UPON] the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, [FOR A VEHICLE, INCLUDING A LOW-SPEED VEHICLE AND A MOTOR VEHICLE PULLING A TRAILER OR SEMI-TRAILER, THAT IS REGISTERED IN THE NAME OF A COMPANY OR BUSINESS, OR IS USED OR MAINTAINED FOR THE TRANSPORTATION OF PASSENGERS FOR HIRE, EXCEPTING TAXICABS AND BUSES UNDER (b) OF THIS SECTION, OR FOR THE TRANSPORTATION OF PROPERTY FOR HIRE OR FOR OTHER COMMERCIAL PURPOSES, INCLUDING A LOW-SPEED VEHICLE, TRUCK, WRECKER, TOW CAR, HEARSE, AMBULANCE, AND TRACTOR,] as follows:

- (1) up to and including 5,000 pounds \$180;
- (2) more than 5,000 pounds to and including 12,000 pounds \$268;
- (3) more than 12,000 pounds to and including 18,000 pounds ... \$516;
- (4) more than 18,000 pounds \$662.

* **Sec. 6.** AS 28.10.421(d)(8) is amended to read:

(8) an amateur mobile radio station vehicle,

(A) with a transceiver capable of less than 5-band operation

..... the fee required for that vehicle under (b) or (c) of this section;

(B) in recognition of service to the public a mobile amateur radio station owned by an amateur with general class or higher license, provided the station must be satisfactorily proved capable of operating on at least five bands from 160 through 10 meters, must have an antenna, and must have a power supply and wiring as a permanent part of the vehicle; the transmitting unit may be removed from the car for service or dry storage

..... none

for a mobile amateur radio station vehicle included in **(b)(1)(A)** [(b)(1) OR (2)] of this section;

* **Sec. 7.** AS 28.10.431(b) is amended to read:

(b) The biennial tax is levied upon motor vehicles subject to the registration fee under AS 28.10.411 and 28.10.421 and is based **on** [UPON] the age of vehicles as determined by model year in the first year of the biennial period, according to the following schedule:

		Tax According to Age of Vehicle Since Model Year:							
		1st	2nd	3rd	4th	5th	6th	7th	8th or over
Motor Vehicle									
(1) motorcycle		\$ 17	\$ 15	\$ 13	\$ 10	\$ 7	\$ 5	\$ 4	\$ 4
(2) vehicles specified in		121	99	77	55	39	28	19	16
	<u>AS 28.10.421(b)(1)(A)</u>								
	<u>or (3)(A)</u>								
	[AS 28.10.421(b)(1)]								
(3) vehicles specified in		121	99	77	55	39	28	19	16
	<u>AS 28.10.421(b)(1)(B)</u>								
	[AS 28.10.421(b)(3)]								
(4) vehicles specified									
	in AS 28.10.421(c)(1)-(4)								
	5,000 pounds or less	121	99	77	55	39	28	19	16
	5,001-12,000 pounds	198	154	121	99	77	55	33	22
	12,001-18,000 pounds	447	392	348	304	260	227	205	194
	18,001 pounds or over	546	469	403	348	304	260	216	194
(5) vehicles specified in		198	154	121	99	77	55	33	22
	<u>AS 28.10.421(b)(3)(B)</u>								
	[AS 28.10.421(b)(4)]								
(6) vehicles specified in		17	15	13	10	7	5	4	4
	<u>AS 28.10.421(b)(5)</u>								
	[AS 28.10.421(b)(6)]								
(7) vehicles specified		121	99	77	55	39	28	19	16

1 in AS 28.10.421(d)(8)
 2 (8) [VEHICLES 121 99 77 55 39 28 19 16
 3 SPECIFIED IN
 4 AS 28.10.421(b)(2)
 5 (9)] vehicles eligible 88
 6 for dealer
 7 plates under
 8 AS 28.10.421(d)(9).

9 * **Sec. 8.** AS 28.15.051(a) is amended to read:

10 (a) Except as provided in (b) of this section, a person who is at least 14 years
 11 of age may apply to the department for **a noncommercial** [AN] instruction permit.
 12 The department may, after the applicant has successfully passed all parts of the
 13 examination under AS 28.15.081 other than the driving test, issue to the applicant an
 14 instruction permit. The permit allows a person, while having the permit in the person's
 15 immediate possession, to drive a specified **noncommercial** type or class of motor
 16 vehicle on a highway or vehicular way or area for a period not to exceed two years.
 17 The permittee shall be accompanied by a person at least 21 years of age who has been
 18 licensed at least one year to drive the type or class of vehicle being used, who is
 19 capable of exercising control over the vehicle and who occupies a seat beside the
 20 driver, or who accompanies and immediately supervises the driver when the permittee
 21 drives a motorcycle. An instruction permit may be renewed one time. Once a license is
 22 issued to drive a specified type or class of motor vehicle, a driver is not eligible to
 23 obtain an instructional permit for that specified type or class of motor vehicle **unless**
 24 **five years have passed since the expiration of the license.**

25 * **Sec. 9.** AS 28.15.051 is amended by adding a new subsection to read:

26 (f) A person who is at least 18 years of age may apply to the department for a
 27 commercial instruction permit. The department may, after the applicant has
 28 successfully passed all parts of the examination under AS 28.15.081 other than the
 29 driving test, issue to the applicant a commercial instruction permit. The permit allows
 30 a person, while having the permit in the person's immediate possession, to drive a
 31 specified commercial type or class of motor vehicle on a highway or vehicular way or

1 area for a period not to exceed 180 days. The permittee shall be accompanied by a
 2 person at least 21 years of age who has been licensed at least one year to drive the type
 3 or class of vehicle being used, who is capable of exercising control over the wheel,
 4 and who occupies a seat beside the driver. A commercial instruction permit may be
 5 renewed one time for a period of 180 days. Once a license is issued to drive a
 6 specified type or class of motor vehicle, a driver is not eligible to obtain a commercial
 7 instructional permit for that specified type or class of motor vehicle unless

8 (1) five years have passed since the expiration of the previous license;

9 or

10 (2) the commercial instruction permit is obtained for the purpose of
 11 adding an endorsement to a current class of commercial license.

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

13 (a) In addition to any court action or administrative action in this or any other
 14 jurisdiction, conviction of a person who holds or is required to have a commercial
 15 driver's license **or commercial instruction permit** of any of the following offenses is
 16 grounds for immediate disqualification from driving a commercial motor vehicle for
 17 the periods set out in this section:

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

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

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

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

26 (5) a felony under state or federal law that was facilitated because the
 27 person used a motor vehicle;

28 (6) a serious traffic violation;

29 (7) **taking one of the following actions** [DRIVING AFTER BEING
 30 PLACED OUT OF SERVICE] in violation of regulations adopted under
 31 AS 19.10.060(c) or AS 28.05.011;

1 **(A) driving after being placed out of service; or**

2 **(B) operating a commercial vehicle that has been placed out**
 3 **of service;**

4 (8) operating a commercial motor vehicle in violation of a federal or
 5 state statute or regulation, or a local law or ordinance, relating to railroad-highway
 6 grade crossings;

7 (9) operating a commercial motor vehicle while the driver's
 8 commercial motor vehicle license is suspended, revoked, or canceled, or the driver is
 9 disqualified;

10 (10) causing a fatality through the negligent operation, or operation in
 11 violation of a felony criminal law, of a commercial motor vehicle.

12 * **Sec. 11.** AS 28.33.140(m) is amended to read:

13 (m) A person who violates the standards for operating a commercial motor
 14 vehicle **or who knowingly operates a commercial motor vehicle that has been**
 15 **placed out of service as** set out by the department in regulation is subject to civil
 16 penalties established by the department in regulation. An employer who knowingly
 17 allows an employee to drive in violation of an out-of-service order or in violation of a
 18 railroad-highway grade crossing is subject to civil penalties as described in 49 U.S.C.
 19 521(b) as established by the department in regulation. The department may adopt
 20 regulations under AS 44.62 to implement this subsection. The regulations adopted
 21 under this subsection must be substantially similar to any applicable federal
 22 regulations. In this subsection, "knowingly [,]" has the meaning given in
 23 AS 11.81.900.

24 * **Sec. 12.** AS 28.33.190(16) is amended to read:

25 (16) "serious traffic violation" means

26 (A) speeding 15 miles per hour or more above the posted limit;

27 (B) reckless or negligent driving, in violation of AS 28.35.400
 28 or 28.35.410 or an ordinance with substantially similar elements;

29 (C) violation of a provision of this title, or a regulation adopted
 30 under this title, relating to improper lane changes or following too closely, or
 31 an ordinance with substantially similar elements;

1 (D) violation of a law or ordinance relating to traffic control,
 2 which was determined by the court by a preponderance of the evidence to have
 3 been a factor in causing physical injury to a person;

4 (E) driving a commercial motor vehicle without obtaining a
 5 license to drive a commercial motor vehicle;

6 (F) driving a commercial motor vehicle without a license to
 7 drive a commercial motor vehicle in the driver's possession; however, if an
 8 individual provides proof to the department by the date that the individual was
 9 required to appear in court or pay any fine for that violation that the individual
 10 held a valid license to drive a commercial motor vehicle on the date the
 11 citation was issued, the driving may not be considered as a serious traffic
 12 violation under this paragraph; [OR]

13 (G) driving a commercial motor vehicle without the proper
 14 class of license to drive a commercial motor vehicle and any required
 15 endorsements for the specific vehicle group being operated, or for the
 16 passengers or type of cargo being transported; **or**

17 **(H) driving a commercial motor vehicle in violation of**
 18 **AS 28.35.161.**

19 * **Sec. 13.** AS 28.90.990(a) is amended by adding a new paragraph to read:

20 (31) "commercial motor carrier" means a person that provides
 21 transportation for compensation, or that provides a vehicle to a person or entity that
 22 provides transportation for compensation, including the person's agents, officers,
 23 representatives, employees responsible for hiring, supervising, training, assigning, or
 24 dispatching of drivers, and employees overseeing the safety, installation, inspection,
 25 and maintenance of motor vehicle equipment and accessories.

26 * **Sec. 14.** Sections 1, 2, and 8 - 13 of this Act take effect immediately under
 27 AS 01.10.070(c).

28 * **Sec. 15.** Sections 3 - 7 of this Act take effect January 1, 2015.