

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

April 10, 2014

1:34 p.m.

**MEMBERS PRESENT**

Senator Dennis Egan, Chair  
Senator Fred Dyson, Vice Chair  
Senator Hollis French

**MEMBERS ABSENT**

Senator Anna Fairclough  
Senator Click Bishop

**COMMITTEE CALENDAR**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 378(TRA)

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

- MOVED CSHB 378(TRA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 378

SHORT TITLE: MOTOR VEHICLES: REGISTRATION, COMMERCIAL

SPONSOR(S): TRANSPORTATION BY REQUEST

03/19/14	(H)	READ THE FIRST TIME - REFERRALS
03/19/14	(H)	TRA
03/20/14	(H)	TRA AT 1:00 PM BARNES 124
03/20/14	(H)	Heard & Held
03/20/14	(H)	MINUTE(TRA)
03/25/14	(H)	TRA AT 1:00 PM BARNES 124
03/25/14	(H)	-- MEETING CANCELED --
03/27/14	(H)	TRA AT 1:00 PM BARNES 124
03/27/14	(H)	Moved CSHB 378(TRA) Out of Committee
03/27/14	(H)	MINUTE(TRA)
03/28/14	(H)	TRA RPT CS(TRA) 6DP
03/28/14	(H)	DP: LYNN, FEIGE, ISAACSON, GATTIS, KREISS-TOMKINS, P.WILSON
04/08/14	(H)	TRANSMITTED TO (S)
04/08/14	(H)	VERSION: CSHB 378(TRA)

04/09/14 (S) READ THE FIRST TIME - REFERRALS  
04/09/14 (S) TRA  
04/09/14 (S) FIN REFERRAL ADDED AFTER TRA

#### **WITNESS REGISTER**

BECKY ROONEY

Staff to Representative Peggy Wilson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified for the sponsor that the administration asked for HB 378 to be introduced.

AMY ERICKSON, Director

Division of Motor Vehicles (DMV)  
Department of Administration (DOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions about HB 378.

DANIEL SMITH, Director

Division of Measurement Standards & Commercial Vehicle  
Enforcement  
Department of Transportation and Public Facilities (DOTPF)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions about HB 378.

#### **ACTION NARRATIVE**

[1:34:13 PM](#)

**CHAIR DENNIS EGAN** called the Senate Transportation Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators Dyson, French, and Chair Egan.

#### **HB 378-MOTOR VEHICLES: REGISTRATION, COMMERCIAL**

[1:35:18 PM](#)

CHAIR EGAN announced HB 378 to be up for consideration [CSHB 378(TRA), version 28-LS1541\p, was before the committee].

[1:35:35 PM](#)

BECKY ROONEY, staff to Representative Peggy Wilson, sponsor of HB 378, Alaska State Legislature, Juneau, Alaska, said the administration asked for this bill to be introduced. She explained that it brings the Alaska Commercial Drivers' License (CDL) statutes into compliance with federal regulations set in the Federal Motor Carrier Safety Manual. Being out of compliance could result in the federal government decertifying Alaska's CDL

program. This would jeopardize Alaska's federal funding by up to \$34 million federal.

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In addition, this would prevent the Division of Motor Vehicles (DMV) from issuing, upgrading or renewing any CDL or CDL permit. The new requirement raises the CDL age for instructional permits from 17 to 18 for 180 days with a renewal option of 180 more days. It was previously valid for two years, but nonrenewable.

MS. ROONEY said HB 378 will allow the DMV to refuse or revoke a registration for a motor carrier or a commercial vehicle that does not meet federal safety standards. Additionally, a CDL permit will be disqualified in the same manner as a CDL for a driver operating a vehicle while noncompliant with the same safety regulations for out of service, or if that person is convicted of manslaughter or negligent homicide while driving a motor vehicle.

Texting while driving will also be made a serious CDL violation. Language was changed to clarify that registration fees charged for vehicles over 10,000 pounds are charged at commercial rates. The current fee schedules are not being changed, just clarified. She said the DMV has coordinated all these changes with the Alaska Truckers Association.

1:38:40 PM

AMY ERICKSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), said Ms. ROONEY did an excellent overview and asked if there were questions.

SENATOR FRENCH asked about the texting provision.

MS. ERICKSON noted that it is in Section 12 of the bill [AS 28.35.161].

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SENATOR DYSON asked on page 2, line 19, where it says the applicant is a "commercial motor carrier prohibited from operating" if that means he is not an individual.

MS. ERICKSON said she didn't understand the question, but it applies to the carrier, which is a company.

SENATOR DYSON said that answers his question.

SENATOR FRENCH asked for an example of where that would apply.

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DANIEL SMITH, Director, Division of Measurement Standards & Commercial Vehicle Enforcement, Department of Transportation and Public Facilities (DOTPF), Anchorage, Alaska, explained there are four general instances in which the Federal Motor Carrier Safety Administration (FMCSA) will order a motor carrier to cease interstate operations. When they have an unsatisfactory safety rating from the FMCSA, or when after exhausting all due options the motor carrier fails to pay federal fines levied from the FMCSA, or when a motor carrier is determined to be an imminent hazard, or after failing a new entrant audit.

SENATOR DYSON referenced page 7, line 23, where it says a 14-year-old can get an instruction permit renewed once, but once a license is issued to drive a specific type of vehicle the driver is not eligible to obtain an instructional permit for that class of vehicle unless five years has passed. He observed that this is not like a traditional learner's permit.

MS. ERICKSON said in this case it is a non-commercial permit and the five-year waiting period is the term of a license. She said the statute doesn't allow DMV to issue a permit for a license someone have already held. This is in the bill because DMV encountered a woman who had a CDL and subsequently had a brain injury and was out of practice for many years. The statute didn't allow DMV to issue her a permit because she'd already held that class of license. This way when five years has passed she can get another learner's permit in that class.

[1:45:04 PM](#)

SENATOR DYSON referenced page 1, line 9, and asked how a person gets placed out of service.

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MR. SMITH answered that a driver could be placed out of service under many different circumstances: by simply stopping at an open weigh station and saying he is unable to safely operate the vehicle (because of a medical fitness issue). That driver will be placed out of service until he is safe to operate the vehicle. A commercial vehicle operator can be placed out of service for an imminent hazard such as carrying an unsecured load.

[1:47:12 PM](#)

SENATOR DYSON moved to report CS for HB 378(TRA), version \P, from committee with individual recommendations and attached

fiscal notes. There were no objections and CSHB 378(TRA) passed from the Senate Transportation Standing Committee.

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At ease from 1:47 to 1:48 p.m.

[1:48:25 PM](#)

CHAIR EGAN, seeing no further business, adjourned the Senate Transportation Standing Committee meeting at 1:48 p.m.