

AMENDMENT #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE STUTES

TO: SB 199 am

1 Page 1, line 2, following "corridor":

(Title amendment)

2 Insert "; and relating to containing or confining loads being transported on
3 highways"

4

5 Page 2, following line 15:

6 Insert new bill sections to read:

7 **** Sec. 3.** AS 28.35.251 is repealed and reenacted to read:

8 **Sec. 28.35.251. Failure to contain or confine a load.** (a) A person commits
9 the crime of failure to contain or confine a load in the first degree if the person, with
10 criminal negligence, violates (c) of this section and, as a result of that violation, causes
11 serious physical injury to another person.

12 (b) A person commits the crime of failure to contain or confine a load in the
13 second degree if the person, with criminal negligence, violates (c) of this section and
14 damages the property of another person in an amount of \$5,000 or more.

15 (c) A person commits the offense of failure to contain or confine a load in the
16 third degree if the person drives or moves a motor vehicle loaded with any material on
17 a highway unless

18 (1) the load is

19 (A) contained or confined to prevent the load from

20 (i) dropping, leaking, or escaping; or

21 (ii) shifting on or within the vehicle to the extent that
22 the motor vehicle's stability or maneuverability is adversely affected;

23 and

1 (B) subjected to treatment by methods, approved by the
2 commissioner of public safety by regulation, designed to settle the load or
3 remove loose material before the vehicle is driven or moved on the highway;
4 and

5 (2) at least six inches of freeboard is maintained around the entire
6 perimeter of a load consisting of sand, gravel, dirt, rock, or similar materials or the
7 load is covered and securely fastened to prevent the cover from becoming loose or
8 detached or from being a hazard to other users of the highway.

9 (d) This section does not apply to

10 (1) a vehicle that drops, sprinkles, or sprays sand, liquids, or other
11 materials for the purpose of cleaning or maintaining the highway or providing or
12 improving traction;

13 (2) a commercial motor vehicle that is subject to the federal motor
14 carrier cargo securement standards implemented through the state or federal law;

15 (3) the natural accumulation of snow, ice, mud, dirt, or similar
16 materials on a motor vehicle;

17 (4) a vehicle that is removing snow or hauling snow after removal; or

18 (5) random litter; in this paragraph, "litter" includes plastic wrappers,
19 empty plastic bags, leaves, paper, or similar soft materials.

20 (e) Failure to contain or confine a load in the

21 (1) first degree is a class A misdemeanor punishable as provided in
22 AS 12.55;

23 (2) second degree is a class B misdemeanor punishable as provided in
24 AS 12.55;

25 (3) third degree is an infraction punishable by a fine of not more than

26 (A) \$2,500 if the person has been previously convicted three or
27 more times of a violation of this section;

28 (B) \$1,500 if the person has been previously convicted twice of
29 a violation of this section;

30 (C) \$750 if the person has been previously convicted one time
31 of a violation of this section; or

1 (D) \$300 if the person has not been previously convicted of a
2 violation of this section.

3 (f) In this section, "criminal negligence" has the meaning given in
4 AS 11.81.900.

5 * Sec. 4. AS 28.35.253 is amended by adding a new subsection to read:

6 (b) Violation of this section is an infraction.

7 * Sec. 5. AS 28.35.255 is repealed."