

1 IN THE HOUSE

OF THE RULES COMMITTEE
BY REQUEST

2 HOUSE BILL NO. 197

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the regulation
7 of motor carriers."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 Section 1. DEFINITIONS. As used in this Act, unless the
10 context requires otherwise the term:

11 (1) "Broker" means any person not included in the term
12 "motor carrier" or "forwarder" and not a bona fide employee,
13 commission agent or agent of any motor carrier or forwarder, but
14 who, as principal or agent, sells or offers for sale any trans-
15 portation subject to this Act, or negotiates for or holds him-
16 self out by solicitation, advertisement, or otherwise as one who
17 sells, provides, furnishes, contracts or arranges for such
18 transportation.

19 (2) "Motor Carrier" means common carrier or private
20 carrier.

21 (3) "Combined Weight" means the weight of the motor
22 vehicle plus the weight of the maximum load which such motor
23 vehicle may carry as declared by the applicant subject to audit
24 and approval by the commissioner. The combined weight of motor
25 busses or bus trailer is the light weight of the vehicle plus
26 the weight of the maximum seating capacity including the drivers
27 seat estimated at 170 pounds per seat, exclusive of emergency
28 seats, except that transit type motor vehicles may use 150 pounds
29 per seat in determining combined weight. Where a bus has a seat

1 ing capacity which is not arranged for separate or individual
2 seats, 18 lineal inches of such capacity shall be deemed the
3 equivalent of a passenger seat.

4 (4) "Commissioner" means Commissioner of Commerce.

5 (5) "Common Carrier" means:

6 (a) Any person who transports for hire or who
7 holds himself out to the public as willing to transport for
8 hire, compensation or consideration by motor vehicle, per-
9 sons or property, or both, for those who may choose to
10 employ him; or

11 (b) Any person who leases, rents or otherwise
12 provides a motor vehicle for the use of others and who in
13 connection therewith provides, procures or arranges for,
14 directly, indirectly or by course of dealing, a driver or
15 operator therefor or the necessary authority for the use
16 thereof on the public highways.

17 (6) "Forwarder" means any person except motor carriers
18 and bona fide employees or agents of motor carriers, who, as
19 principal or agent, is engaged in securing, accepting or assem-
20 bling, for compensation directly or indirectly, property not owned
21 by him to be transported by motor carrier.

22 (7) "Highway Commission" means Alaska State Highway
23 Commission.

24 (8) "Motor Vehicle" means any self-propelled or motor-
25 driven vehicle, or any train or combination of vehicles, used
26 or capable of being used upon any public highway of this state
27 in the transportation of persons or property, or both, except
28 vehicles operating wholly on fixed rails or tracks and electric
29 trolley busses.

1 (9) "Person" means an individual, firm, partnership,
2 corporation, company or association or the assignees, vendees,
3 lessees, trustees or receivers of any of them.

4 (10) "Private Carrier" means any person not included
5 in the term "common carrier", who operates a motor vehicle over
6 the public highways of this state for the purpose of transporting
7 property to be purchased, sold or otherwise used by him in con-
8 nection with a noncarrier commercial enterprise in which such
9 person is primarily engaged. Ownership of the property trans-
10 ported shall not be accepted as sufficient proof of a private
11 carrier operation, if the motor carrier is in fact engaged in
12 the transportation of property for hire, compensation or consid-
13 eration, or if such transportation operations are conducted for
14 profit and not merely in furtherance and within the scope of a
15 noncarrier commercial enterprise in which such person is pri-
16 marily engaged.

17 (11) "Public Highway" means every street, alley, road,
18 highway and thoroughfare in this state used by the public or
19 dedicated or appropriated to public use.

20 (12) "Safe for Operation" means mechanical safety and
21 compliance with such regulations regarding motor carrier equip-
22 ment and the operation thereof as shall be specified by law or
23 the rules of the commissioner.

24 (13) "Certificate" means certificate of public con-
25 venience and necessity issued by the commissioner to common
26 carriers.

27 (14) "Permit" means a permit issued by the commissioner
28 to private carriers.

29 Sec. 2. DECLARATION OF POLICY. The business of operating

1 as a motor carrier of persons and property for hire upon the
2 highways of this state is declared to be a business affected with
3 the public interest, and regulated competition is desirable to
4 insure the orderly development thereof, promote safe, and economic
5 service to the shipping public, foster sound economic conditions
6 in the motor carrier field, minimize congestion and promote safety
7 upon the highways and prevent operations by irresponsible persons
8 or any other operation threatening the safety of the public or
9 detrimental to the general welfare. To effect these ends and
10 purposes, this Act is adopted by the legislature.

11 Sec. 3. NONAPPLICABILITY OF THE PROVISIONS OF THIS ACT TO
12 CERTAIN PERSONS OR VEHICLES. This Act, except Section 55, does
13 not apply to persons or motor vehicles:

14 (1) When operated by, or under contract with, any
15 school board, district or person responsible for the administration
16 of school activities, and engaged exclusively in transporting
17 students or their instructors to or from school or authorized
18 school activities or functions.

19 (2) When regularly operating over rural or star route
20 and engaged exclusively in the transportation of United States
21 mail under contract with, or when such person is an employee of,
22 the Post Office Department.

23 (3) When owned and operated by the United States, the
24 State of Alaska, or any political subdivision of this state, or
25 any department of any of them except when owned or operated as a
26 common carrier.

27 (4) When used for the transportation of property by pri-
28 vate carrier by means of a single vehicle or combination of
29 vehicles the combined weight of which vehicle and load, vehicles

1 or vehicles and load does not exceed 6,000 pounds.

2 (5) When operated exclusively for the purpose of trans-
3 porting persons or property in connection with the patrolling
4 of forests for the prevention or fighting of forest fires.

5 (6) When engaged in operating implements of husbandry,
6 temporarily drawn, moved or otherwise propelled.

7 (7) Used in servicing and towing disabled motor vehicles
8 and not otherwise used in transporting persons or property for
9 hire, if the vehicle:

10 (a) Is specially constructed for such use; or

11 (b) Has a combined weight not exceeding 6,000
12 pounds.

13 (8) When operated as a hearse or ambulance.

14 (9) When operating over any privately owned road or
15 thoroughfare.

16 (10) When using any road or thoroughfare, other than a
17 state highway or county road, pursuant to an agreement with any
18 agency of the United States or with a licensee of such agency,
19 or both, if the agreement imposes upon the user of such road
20 or thoroughfare the obligation either to construct or
21 maintain it at his own expense, or to pay such agency or
22 licensee of such agency a reasonable consideration for the
23 use of or right of way of such road or thoroughfare.

24 Sec. 4. COMPLIANCE WITH ACT REQUIRED. No common carrier
25 or private carrier shall operate any motor vehicle for the
26 transportation of persons or property, or both, on any public
27 highway in this state, and no person shall operate as a
28 broker or forwarder, except in accordance with the provisions
29 of this Act.

1 Sec. 5. APPLICATION OF ACT TO INTERSTATE AND FOREIGN
2 COMMERCE. This Act applies to interstate and foreign commerce,
3 except in so far as it may be in conflict with the provisions
4 of the constitution and laws of the United States.

5 Sec. 6. SPECIAL PRIVILEGES NOT AFFECTED BY THIS ACT.
6 This Act does not prevent:

7 (1) Common carriers from transporting within this
8 state at free or reduced rates:

9 (a) Themselves or their officers, agents or
10 employees, or dependent members of the families of such
11 individuals, or the personal effects or household goods of
12 such individuals.

13 (b) Ministers of religious, inmates of hospitals
14 and charitable and eleemosynary institutions and individuals
15 exclusively engaged in charitable and eleemosynary work.

16 (c) Indigent, destitute and homeless individuals
17 and such individuals when transported by charitable societies
18 or hospitals, and the necessary agents employed in such trans-
19 portation.

20 (d) Witnesses attending legal investigations in
21 which the carrier is interested.

22 (e) Persons injured in wrecks and physicians and
23 nurses attending such persons.

24 (2) The interchange of passes by common carriers with
25 other common carriers and their officers, agents and employees,
26 and their families, or officers, agents or employees of railway,
27 water or air common carriers and their families.

28 (3) Any common carrier from carrying passengers free
29 with the object of providing relief in cases of general epidemic,

1 pestilence or other calamitous visitation.

2 (4) The issuance of mileage, commutation, party or
3 excursion passenger tickets, if they are obtainable by all per-
4 sons applying therefor under like circumstances and condi-
5 tions.

6 Sec. 7. OFFICERS DUTIES AS TO ENFORCEMENT OF THIS ACT.

7 The Attorney General, Secretary of State, prosecuting attorney
8 of the various political subdivisions of this state, and all
9 state, and other police officers shall assist the commissioner
10 in the administration and enforcement of this Act, and they as
11 well as the commissioner, his assistants and employees, shall
12 diligently prosecute all persons whom they have reasonable
13 cause to believe guilty of violations of this Act or of the
14 rules, regulations, orders, decisions or requirements of the
15 commissioner made pursuant thereto.

16 Sec. 8. RECORD OF CONVICTION; FORWARDING COPY. The

17 courts having jurisdiction of this Act shall, upon a convic-
18 tion of any person for violation of this Act, immediately
19 forward a certified copy of the record of such conviction
20 to the office of the commissioner.

21 Sec. 9. NECESSITY FOR CERTIFICATE OR PERMIT: (1) No

22 person shall operate any motor vehicle on any highway in
23 this state as a common carrier or private carrier in the trans-
24 portation of persons or property or both without first apply-
25 ing for and obtaining, in addition to any license required
26 by any law, a certificate of public convenience and
27 necessity or permit from the commissioner covering the pro-
28 posed operation: Provided, however, that if any common
29 carrier or predecessor in interest was in bona fide operations

1 as a common carrier by motor vehicle on January 4, 1959, over
2 the route or routes or within the territory for which appli-
3 cation is made and has so operated since that time, except
4 in instances over which the applicant or predecessor in
5 interest had no control, the commissioner shall issue a
6 certificate without requiring further proof of public conven-
7 ence and necessity, and without further proceedings, if
8 application for such certificate is made to the commissioner
9 within 90 days from the effective date of this Act and in
10 accordance with the applicable provisions of this Act. Other-
11 wise the application for such certificate shall be decided in
12 accordance with the procedure provided in Section 15 of this
13 Act and such certificate shall be issued or denied accordingly.
14 Pending the determination of any such application the con-
15 tinuance of such operation shall be lawful, and subject
16 to the jurisdiction of the commissioner under this Act.

17 (2) Every person who engages for compensation to
18 perform a combination of services which includes transportation
19 of property of others upon the public highways is subject to
20 the jurisdiction of the commissioner as to such transporta-
21 tion and shall not engage upon the same without first having
22 obtained a common carrier certificate to do so.

23 Sec. 10. CERTIFICATE REQUIRED FOR TOWING OPERATIONS. Ex-
24 cept as provided in Section 3 (7), no person shall tow
25 any motor vehicle or vehicles for compensation upon any
26 public highway in this state without first applying for and
27 obtaining a certificate from the commissioner covering such
28 operation.

29 Sec. 11. LICENSE REQUIRED TO ENGAGE IN BUSINESS OF
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1 LEASING OR RENTING MOTOR VEHICLES FOR THE TRANSPORTATION OF
2 PERSONS OR PROPERTY.

3 (1) No person shall engage in the business of leasing,
4 renting or otherwise providing motor vehicles for the temporary
5 use of others without first obtaining a license therefor from
6 the commissioner.

7 (2) No person shall lease, rent or otherwise provide
8 motor vehicles suitable for the transportation of property and
9 having a combined weight in excess of 6,000 pounds, or suitable
10 for the transportation of persons and having seating capacity for
11 more than nine passengers including the driver, for the temporary
12 use of any person other than a motor carrier.

13 Sec. 12. BROKERS AND FORWARDERS: LICENSES REQUIRED:
14 REGULATIONS TO BE OBSERVED.

15 (1) No person shall act as a forwarder or broker
16 without first obtaining a license therefor from the commissioner.

17 (2) A broker or forwarder's license shall be issued to
18 any qualified person, authorizing the whole or any part of the
19 operations covered by the application therefor, if it is found
20 that:

21 (a) The applicant is fit, willing and able pro-
22 perly to perform the proposed service and comply with the
23 provisions of this Act and the rules, regulations and re-
24 quirements of the commissioner thereunder; and

25 (b) The proposed service, to the extent to be
26 authorized is or will be consistent with the public interest;
27 and

28 (c) The applicant has furnished and will keep in
29 affect, a bond or other security approved by the commissioner.

1 in such form and amount as will reflect financial responsibility
2 and compliance with contracts, agreements or arrangements for
3 the supplying of authorized transportation.

4 (3) The commissioner shall prescribe reasonable rules
5 and regulations for the protection of travelers or shippers by
6 motor vehicle, to be observed by any person holding a broker or
7 forwarder license.

8 Sec. 13. FORM AND CONTENT OF APPLICATIONS FOR CERTIFICATE
9 OR PERMIT.

10 (1) The commissioner shall prescribe forms of applica-
11 tions for certificates and permits, and regulations for the filing
12 thereof.

13 (2) In the case of common carrier, the application
14 shall include:

15 (a) The ownership and financial condition of
16 applicant;

17 (b) The equipment to be used and the light and
18 combined weight thereof;

19 (c) The physical property of the applicant;

20 (d) Whether the proposed service is for the trans-
21 portation of persons or property or both;

22 (e) The territory in which the proposed operation
23 is to be conducted, and if upon regular route, the termini
24 thereof; and

25 (f) Such other information as the commissioner
26 may require.

27 (3) In the case of private carriers, the application
28 shall include:

29 (a) The ownership of the applicant;

1 (b) The equipment to be used and the light and
2 combined weight thereof;

3 (c) The character of the property to be trans-
4 ported; and

5 (d) Such other information as the commissioner
6 may require.

7 Sec. 14. RESTRICTIONS ON ISSUANCE OF CERTIFICATES OR PER-
8 MITS.

9 (1) No certificate or permit shall be issued or granted
10 to any persons:

11 (a) If the commissioner finds that he currently
12 is in violation of the provisions of this Act or the rules
13 and regulations of the commissioner; or

14 (b) If the commissioner finds that he has in the
15 past been determined to be in violation of the provisions
16 of this Act or the rules and regulations of the commissioner
17 and that such violation has been repeated, or it appears that
18 the applicant is an habitual or intentional violator there-
19 of; or

20 (c) If the commissioner finds that he is other-
21 wise incapable of conducting the transportation service con-
22 templated, in compliance with this Act and the rules and
23 regulations of the commissioner.

24 (2) No person whose application for a certificate
25 or permit has been denied shall be eligible to renew the appli-
26 cation for a period of six months or to operate or participate
27 directly or indirectly in the proposed operation for a period
28 of six months from the date such application is denied.

29 Sec. 15. ISSUANCE OF COMMON CARRIER CERTIFICATES AFTER

1 INVESTIGATION AND HEARING: FINDINGS NECESSARY.

2 (1) When a person files an application with the com-
3 missioner for a certificate to operate as a common carrier, for
4 the extension of an existing certificate or for the transfer of
5 a common carrier certificate, the commissioner shall serve notice
6 of the application upon every person who has an application filed
7 and pending before the commissioner, to serve the territory pro-
8 posed to be served by applicant, or who holds a common carrier
9 certificate to serve such territory.

10 (2) If any person desires to protest the issuance, ex-
11 tension or transfer of the certificate or requests a hearing,
12 notice thereof must be filed with the commissioner within 10 days
13 from the date of service of the notice of the application, and
14 the commissioner shall thereafter fix a time and place for hear-
15 ing upon such application, and shall serve notice thereof upon
16 the applicant and any person who has filed a notice of protest
17 or request for hearing. In the event the commissioner deems a
18 hearing upon the application necessary to properly and fully ad-
19 vise him in the premises, he may fix a time and place for hearing
20 thereon and serve notice thereof upon all persons served with notice
21 of the application.

22 (3) If no notice of protest or request for hearing is
23 filed within the period specified in (2) above, the commissioner
24 may order the issuance, extension or transfer of the certificate
25 without hearing, if the applicant shows compliance with (a) (b)
26 (d) (f) (g) and (h) of subsection (4) of this section.

27 (4) If the application for issuance, extension or trans-
28 fer of a certificate is the subject of a hearing, the commissioner
29 shall issue the certificate if the applicant has complied with

1 This Act and the rules and regulations of the commissioner, and
2 if the commissioner finds from the evidence and record that:

3 (a) The applicant is financially responsible and
4 adequately equipped to perform the proposed service;

5 (b) The equipment listed is safe for operation
6 upon the highways of this state, meets all of the safety
7 requirements of the commissioner and the laws of this state;

8 (c) The proposed service, to the extent to be
9 authorized, is or will be required by the present or future
10 public convenience and necessity;

11 (d) The proposed service will not be attended with
12 substantial damage to the highways or danger to other users
13 thereof or to the public;

14 (e) The granting of the certificate will not re-
15 sult in the impairment of the ability of existing operators
16 to adequately serve the public;

17 (f) The rates and schedules proposed by applicant
18 are approved by the commissioner.

19 (g) The applicant has filed the required insur-
20 ance, bond or substitute security or has qualified as a self-
21 insurer as provided in this Act.

22 (h) The applicant has agreed to pay all fees, taxes
23 or other charges due or to become due as provided in this Act,
24 to comply with all provisions of this Act, and to obey all
25 rules, regulations, orders and requirements of the commissioner.

26 (5) If the application for issuance, extension or trans-
27 fer of a certificate is the subject of hearing, and if the com-
28 missioner does not find that all the conditions provided in sub-
29 section (4) of this section are satisfied, he may deny the appli-

1 cation or he may order that issuance of the certificate be deferred
2 pending compliance by the applicant the conditions provided in
3 subsection (4) of this section specified in his order.

4 (6) If the applicant fails to appear at the time and
5 place fixed for the hearing, the application may be denied.

6 Sec. 16. HEARING NOT REQUIRED FOR ISSUANCE OF CERTIFICATE
7 COVERING CERTAIN OPERATIONS. Hearings and order are not required
8 for the issuance of a certificate to regular route common carriers
9 desiring to operate over redesignated or relocated public high-
10 ways, provided that:

11 (a) Not less than 10 days prior to the institution
12 of service over such public highway such carrier obtain en-
13 dorsement upon his permit of the redesignation of such high-
14 way route and file with the commissioner time schedules pro-
15 perly reflecting such service; and

16 (b) No service is to be performed to, from or
17 between points on such redesignated or relocated public high-
18 way otherwise than in accordance with such carriers certifi-
19 cate; and

20 (c) Such time schedules and service otherwise are
21 in compliance with this Act.

22 Sec. 17. ISSUANCE OF PERMITS TO PRIVATE CARRIERS. Upon re-
23 ceipt of the information in writing required by the application
24 form for private carrier permits and in compliance with the law
25 and the rules and regulations of the commissioner, permits shall
26 be issued to private carriers, conditioned that the proposed
27 operation will not be attended with substantial damage to the high-
28 ways or danger to other users thereof, to adjacent property or
29 facilities or to the public. The applicant is entitled to a hear-

1 ing before the commissioner if his application has been denied.

2 Sec. 18. ISSUANCE OF LICENSES REQUIRED BY SECTION 11. The
3 application for a license required by Section 11 of this Act shall
4 be in such form and contain such information as the commissioner
5 may require. Hearing on such application shall be held, and
6 notice thereof given, as provided in Section 15 of this Act. The
7 application shall be denied unless the evidence shall, in the
8 judgment of the commissioner, justify the findings provided in
9 paragraphs (a) (b) (d) (e) (g) and (h) of subsection (4) of Sec-
10 tion 15 of this Act.

11 Sec. 19. ISSUANCE AND PLACEMENT OF IDENTIFICATION PLATES
12 AND RECEIPTS: RECEIPT TO STATE COMBINED WEIGHT OF VEHICLE: NEW
13 PLATES ISSUED BIENNIALY.

14 (1) The commissioner shall, with respect to each
15 vehicle, issue an identification plate or marker, and a receipt
16 stating therein the combined weight of each vehicle involved.

17 (2) The receipt shall be carried with the vehicle at all
18 times and no person shall load any motor vehicle in excess of its
19 combined weight certificate rating thus determined except as ver-
20 ations may necessarily result in passenger loading.

21 (3) The identification plate or marker must be fastened
22 or placed on the vehicle to which it is issued in a manner to be
23 prescribed by the commissioner's rules.

24 (4) Commencing as soon as practicable after the effec-
25 tive date of this Act, and thereafter on the 1st day of January
26 biennially, the commissioner shall by general order revoke all
27 outstanding identification plates or markers and issue new iden-
28 tification plates or markers for all vehicles subject to this Act.

29 Sec. 20. VEHICLES TO BE OPERATED ONLY IN CLASS FOR WHICH

1 CERTIFICATE OR PERMIT ISSUED: EFFECT OF VIOLATION.

2 (1) The commissioner shall, in issuing certificates or
3 permits, classify the applicants as to their proper class under
4 the law and no motor carrier shall operate in a different class
5 without certificate or permit authority from the commissioner.

6 (2) No vehicle shall be operated in more than one of
7 the classes covered by this Act except that:

8 (a) Vehicles carrying persons may also carry
9 baggage and express or be operated as charter cars.

10 (b) A common carrier may use any or all of his mo-
11 tor vehicles and equipment to transport property of which he
12 is the owner, upon a satisfactory showing to the commissioner
13 that he will not permit such operations to interfere with
14 his common carrier service. Such authority may be obtained
15 without hearing and shall, if granted, be endorsed upon the
16 certificate of the applicant.

17 (3) Common carriers may interchange equipment upon
18 which an identification plate or marker has been issued by the
19 commissioner and such identification plate or marker may remain
20 on the equipment with no transfer of registration with either the
21 state agency having jurisdiction over motor vehicle registration,
22 or the commissioner, being required: Provided, however, that
23 such interchange shall be permitted only in accordance with rules
24 and regulations of the commissioner pertaining to insurance
25 coverage, accounts, records, reports, operations and practices.

26 (4) If, after notice and hearing, the commissioner
27 finds that any motor carrier is operating any vehicle in a class
28 other than that for which the certificate or permit is issued, he
29 shall revoke or suspend the certificate or permit, or order the

1 motor carrier to cease and desist the illegal or irregular prac-
2 tices found.

3 Sec. 21. TRANSFER OF CERTIFICATES AND LICENSES: NO FRAN-
4 CHISE OR PROPERTY RIGHT IN CERTIFICATE OR LICENSE.

5 (1) No certificate issued under this Act shall be
6 assigned or transferred except in accordance with the provisions
7 of Section 15 of this Act.

8 (2) No license issued under this Act shall be assigned
9 or otherwise transferred without the written approval of the
10 commissioner and his findings that such assignment or transfer is
11 consistent with the public interest and conforms to the provisions
12 of Section 12 of this Act.

13 (3) No such certificate or license shall be construed
14 to be a franchise or irrevocable or exclusive or to confer any
15 property right upon the holder thereof.

16 Sec. 22. CANCELLATION OR SUSPENSION OF CERTIFICATES, PERMITS
17 AND LICENSES.

18 (1) Certificates and permits when issued shall be valid
19 until revoked by the commissioner or voluntarily discontinued by
20 the holder thereof. If at any time after notice to the holder of
21 a certificate, permit or license and a hearing before the com-
22 missioner, the continued operation is found by him not to be
23 required by the present or future public convenience and necessity,
24 against the public interest, unduly congesting the highway or
25 fraught with substantial danger to users of the highway, adjacent
26 property or facilities or to the public, or inflicting substantial
27 damage to the highway, the commissioner shall cancel the certifi-
28 cate, permit or license so investigated or condition the operation
29 thereunder as circumstances require.

1 (2) Certificates, permits or licenses may be suspended,
2 revoked or cancelled by the commissioner after complaint, notice
3 and hearing, or upon his own motion when the holder of such cer-
4 tificate, permit or license:

5 (a) Is delinquent in the payment of any fees or
6 taxes due under the law, if written demand for payment there-
7 of has been served upon him by the office upon which the
8 duty to collect the same is imposed, at least 10 days before
9 the complaint or notice for cancellation was filed; or

10 (b) His agents or employees have repeatedly vio-
11 lated this Act or other highway or motor laws of this state;
12 or

13 (c) Has repeatedly and intentionally violated or
14 avoided any order, rule or regulation of the commissioner; or

15 (d) Has intentionally made unlawful rebates; or

16 (e) Has repeatedly refused or has repeatedly
17 failed, after having been requested to do so, to furnish
18 service authorized by certificate or license. The commissioner
19 in such cases may, in his discretion, restrict the certifi-
20 cate or license to conform to operations conducted; or

21 (f) Has not, except for reasons beyond his control,
22 furnished service authorized by his certificate or license
23 for a period exceeding six consecutive months immediately
24 preceding the filing of the complaint in the proceeding.
25 The commissioner in such cases may, in his discretion, re-
26 strict the certificate or license to conform to operations
27 conducted; or

28 (g) Has refused, or has failed, within the time
29 provided, to file the annual report required in this Act.

1 (h) Has failed to appear for a hearing after
2 notice that his certificate or license is under investigation.

3 Sec. 23. MOTOR COMMON CARRIERS AND FORWARDERS: GENERAL REGULA-
4 TIONS OF. The commissioners shall supervise and regulate all common
5 carriers of persons or property, or both, and forwarders, and with
6 respect thereto shall:

7 (1) After hearing, fix, alter, regulate, determine,
8 declare and prescribe just, fair and reasonable rates, fares,
9 charges, classifications and practices.

10 (2) Prescribe the kind and form of accounts, manifests,
11 receipts, and records to be used and kept pertaining to operation,
12 and the method and manner of keeping them, require their preserva-
13 tion for such time as the commissioner may deem proper, and have ac-
14 cess thereto with right of audit and inspection thereof at all
15 reasonable times.

16 (3) Require the filing of such periodical or other
17 reports or data of such carriers and forwarders, as the commissioner
18 deems necessary.

19 (4) Require reasonably adequate service and facilities.

20 (5) Regulate operating time schedules of regular route
21 common carriers so as to meet the needs of any community served and
22 so as to prevent unnecessary duplication by regular route common car-
23 riers of the transportation services afforded by other regular
24 route common carriers.

25 (6) Prescribe and require reasonable precautions for safe-
26 ty of operation of motor vehicles subject to this Act, to the end that
27 uniformity between state and federal motor carrier safety regulations
28 shall be established and maintained in so far as practicable..

29 (7) Relieve the highways of all undue burdens and safe-

1 guard traffic thereon by promulgating and enforcing reasonable
2 rules, regulations and orders designed and calculated to prevent
3 serious highway congestion, and minimize the dangers attending
4 transportation on the public highways of all commodities including
5 explosives or highly inflammable or combustible liquids, fluids,
6 substances or gases.

7 Sec. 24. MOTOR COMMON CARRIERS AND FORWARDERS, REGULATION
8 OF RATES AND SERVICES OF.

9 (1) All rates, fares and charges made by and all rules,
10 regulations and practices adopted by each common carrier or for-
11 warder shall:

12 (a) Be plainly stated in tariff schedules and
13 classifications available to the public at such carrier's or
14 forwarder's office and filed with the commissioner before
15 they become effective.

16 (b) Be just, reasonable and fair and shall not be
17 unduly discriminatory, prejudicial or preferential.

18 (2) No common carrier or forwarder shall:

19 (a) Charge, demand, collect or receive a greater,
20 less or different remuneration for the transportation of
21 passengers or property, or both, or for any service in connec-
22 tion therewith, than the rates, fares and charges which have
23 been legally established and filed with the commissioner.

24 (b) Refund or remit in any manner or by any device
25 any portion of the rates, fares and charges required to be
26 collected by its tariffs on file with the commissioner.

27 (3) The commissioner shall check the records of carriers
28 and forwarders for the purpose of discovering all discriminations
29 and rebates. The commissioner, upon his own motion, may, and upon

1 the complaint of any aggrieved person, shall, pursuant to written
2 notice served upon any such common carrier or forwarder, investi-
3 gate the rates, fares, charges, classifications, rules, regulations
4 and practices, made or exacted for the transportation of persons or
5 property by the common carrier or forwarder, or for any service in
6 connection therewith. To the extent that same are found by the
7 commissioner to be unreasonable, exorbitant, unlawful, unfair or
8 unduly discriminatory, preferential or prejudicial, the commis-
9 sioner shall, by orders based upon the evidence, fix in lieu there-
10 of just, fair, lawful and reasonable rates, fares, charges, class-
11 ifications, rules, regulations and practices. Such carrier or for-
12 warder shall forthwith comply with such orders.

13 (4) The commissioner may suspend a time schedule or
14 tariff that he believes will impair the ability of carriers or
15 forwarders to serve the public or appears to be unjust, unfair,
16 unreasonable, prejudicial, discriminatory or otherwise unlawful.

17 Sec. 25. CLASSES OF MOTOR COMMON CARRIERS: RIGHTS AND DUTIES
18 OF EACH CLASS.

19 (1) Common carriers shall be classified, and the class-
20 ification shall be shown on the common carrier's permit when issued
21 or reissued by the commissioner as follows:

22 (a) Regular route, scheduled service, including
23 sightseeing tours.

24 (b) Irregular route.

25 (c) Local cartage service.

26 (2) A carrier operating in the regular route, scheduled
27 service class is any person who undertakes to transport persons
28 or property, or both, or any class of property, by motor vehicle
29 for compensation between fixed termini and over a regular route

1 upon established or fixed schedules. Such carriers shall file a
2 schedule setting forth the termini between which service is ren-
3 dered, the hours of departure and arrival, and tariffs and class-
4 ifications governing rates. Sightseeing tours may be offered to
5 the public as regular route, scheduled services, subject to the
6 following modifications: Routes, time schedules, tariffs of
7 transportation rates and offerings of special services filed with
8 the commissioner shall be accepted and placed in effect only if
9 they are such as to render the sightseeing tours noncompetitive
10 with other regular route, scheduled carriers of passengers over
11 the same, similar or a combination of routes. Transportation
12 rates and charges shall be stated separately from other rates and
13 charges. Schedules of sightseeing tours may be seasonal in
14 nature, and individual schedules may be cancelled owing to incle-
15 ment weather or other conditions rendering the service impractical.

16 (3) A carrier operating in the irregular route class
17 is any person who undertakes to transport persons or property, by
18 motor vehicle for compensation over irregular routes. Such car-
19 riers shall file tariffs and classifications governing rates.
20 Irregular route carriers of persons shall be limited to providing
21 vehicles on an hourly or a mileage basis, and the tariffs of such
22 carriers shall clearly state the hourly or mileage charge for each
23 vehicle on its permit. Irregular route common carriers shall
24 serve indiscriminately the territory which they are authorized
25 to serve, and their service shall be on call, coincidental, non-
26 scheduled, unperiodical, itinerant and ambulatory in nature. Such
27 carriers shall not:

28 (a) By solicitation, advertisement, or by a course
29 of dealing or practice, or otherwise, hold themselves out to

1 render regular service between any particular points or over
2 any particular routes, or lead shippers to believe or under-
3 stand that they may rely upon a continuous regularity of
4 service by such carriers between particular or specified
5 points or over any particular or specified route.

6 (b) In the solicitation of business or the adver-
7 tising of their service restrict or limit such solicitation
8 or advertising to traffic moving between any particular or
9 specified points or over any particular or specified routes.

10 (c) Operate with continuing regularity under a
11 predetermined plan of operation or time schedule or approx-
12 imate time schedule, between any particular points or over
13 any particular route, but this paragraph shall not apply to
14 or prohibit repeated movements by such carriers over the
15 same route or between the same points in instances where the
16 character or volume of the traffic requires more or less
17 continued and repeated movements over the same route for
18 such reasonable periods of time as may be necessary to meet
19 the demands of a particular shipper in particular instances.

20 (4) A local cartage carrier is any person who under-
21 takes to transport any class of property by motor vehicle for com-
22 pensation when such transportation is performed wholly within an
23 incorporated city or within a zone adjacent to and commercially a
24 part of such incorporated city. The commissioner shall, after
25 hearing, determine what territorial limits will be included within
26 the commercial area adjacent to the limits, of any incorporated
27 city. Such carriers shall file tariffs and classifications
28 governing rates.

29 Sec. 26. CLASSIFICATION AND REGULATION OF BROKERS AND

1 FORWARDERS.

2 (1) The commissioner may, from time to time, establish
3 such just and reasonable classifications of brokers or forwarders
4 as the special nature of the services performed by such brokers
5 or forwarders requires, and such just and reasonable rules, regu-
6 lations and requirements, consistent with this Act, to be observed
7 by the brokers or forwarders so classified or grouped, as the
8 commissioner deems necessary or desirable in the public interest.

9 (2) To regulate brokers and forwarders, as provided
10 in this Act, the commissioner may establish reasonable require-
11 ments with respect to licenses, financial responsibility, accounts,
12 records, reports, operations and practices of any such person.

13 Sec. 27. REGULATION OF INTERSTATE OR FOREIGN COMMERCE
14 CARRIERS. A person engaged exclusively in transportation in inter-
15 state or foreign commerce shall:

16 (1) Observe and comply with the laws of this state regu-
17 lating traffic on its highways, or the operation of motor vehicles
18 thereon, or limiting the size, weight or speed of motor vehicles;
19 and

20 (2) Observe and comply with the laws of this state and
21 with the orders, rules and regulations of the commissioner, the
22 highway commission, county courts, boards of county commissioners
23 and municipal authorities to protect the highways from substan-
24 tial damage and to promote safety to other users thereof, to
25 adjacent property and facilities and to the public.

26 (3) Furnish the commissioner with public liability
27 and property damage insurance policies or qualify as self-
28 insurers as required by this Act.

29 Sec. 28. REGULATION OF CHARGES MADE BY PERSONS PERFORMING

1 COMBINATION OF SERVICES. Every person engaging for compensation
2 to perform a combination of services which includes transportation
3 of property of others upon the public highways shall advise the
4 commissioner what portion of the consideration is intended to
5 cover the transportation service. If the agreement covering the
6 combination of services is in writing, the rate and charge for such
7 transportation shall be set forth therein. The rates or charges for
8 the transportation services included in such combination of ser-
9 vices shall be subject to control and regulation by the commis-
10 sioner in the same manner that the rates and charges of common
11 carriers are controlled and regulated.

12 Sec. 29. LIABILITY INSURANCE NEEDED BY MOTOR CARRIERS.

13 (1) Except as provided in Section 33 of this Act, no
14 certificate or permit shall issue to any person to operate as a
15 motor carrier until he has filed with the commissioner a policy
16 of liability and property damage issued by an insurance company
17 or reciprocal insurance exchange authorized to transact business
18 within this state, and in accordance with the policies, forms and
19 manuals on file with the State Insurance Division, for the fol-
20 lowing minimum limits of liability:

21 (a) Bodily injury liability, limit for each person,
22 \$10,000,

23 (b) Bodily injury liability, subject to above
24 limit for any one person, limit for each accident, \$20,000,

25 (c) Property damage liability, limit for each
26 accident, \$10,000,

27 and upon such terms, conditions, and provisions as the com-
28 missioner may determine to be necessary for the reasonable
29 indemnification of the patrons of the applicant and of the

1 public against damage and injury for which the applicant may
2 be liable by reason of the operation of any motor vehicle.
3 However, the insurance policy required of a carrier or persons
4 engaged solely in interstate commerce need not provide for
5 the protection of their patrons.

6 (2) In lieu of such policy of insurance, any carrier
7 subject to this Act, may file a certificate of insurance coverage
8 based on a policy approved by the State Insurance Division, if
9 said policy by its terms fulfills the requirements as to coverage
10 required by this Section, and the rules and regulations of the
11 commissioner.

12 (3) In fixing the amount of the insurance policy the
13 commissioner shall give due consideration to the character and
14 amount of traffic and number of persons involved and the degree
15 of danger which the proposed operation involves.

16 Sec. 30. ADDITIONAL BOND AND INSURANCE REQUIRED OF INTRA-
17 STATE MOTOR CARRIERS OF PROPERTY.

18 (1) Common carriers of property intrastate must file in
19 addition to the policy under Section 29 of this Act, a satisfactory
20 bond in a sum to be fixed by the commissioner, conditioned that
21 such carrier shall make compensation to shippers or consignees for
22 all property shipped collect on delivery, or money collected there-
23 for, belonging to shippers or consignees and coming into the
24 possession of such carrier in connection with its transportation
25 business.

26 (2) No certificate shall be issued to any person to
27 operate as a common carrier of freight or express until he has
28 filed with the commissioner, in addition to such coverage, cargo
29 insurance in such penal sum as the commissioner may deem necessary

1 to protect adequately the interests of the public. This policy
2 shall bind the assurer for loss of, or damage to, property carried
3 in, upon or attached to the motor vehicles or other equipment
4 operated by, for or under the control of the assured, or while in
5 the care or custody of the assured.

6 (3) The commissioner may waive the filing of such bond
7 or cargo insurance for any carrier whose service is limited to
8 commodities not subject to material damage or loss through or-
9 dinary transportation hazards, or any carrier who does not engage
10 in transporting collect on delivery shipments.

11 Sec. 31. LIMITATIONS ON CANCELLATION OF INSURANCE OR BOND:
12 SUSPENSION OF CERTIFICATE OR CANCELLATION OF INSURANCE OR BOND.

13 (1) No insurance policy or collect on delivery bond
14 furnished under this Act may be cancelled or otherwise terminated
15 at any time prior to its expiration until the indemnity or surety
16 company or reciprocal insurance exchange which executed the same,
17 has filed with the commissioner a notice of cancellation as provid-
18 ed in such bond or policy. Such cancellation shall be effective
19 not less than 15 days from the date of receipt, and no agreement
20 between the parties thereto shall operate to avoid this restric-
21 tion upon cancellation.

22 (2) If any such insurance policy or collect on delivery
23 bond becomes inoperative, the authority under the certificate or
24 permit involved shall cease and be suspended, in so far as it
25 pertains to any affected vehicles, until an insurance policy or
26 collect on delivery bond meeting the requirements of Sections 29
27 and 30 of this Act becomes effective and is filed with the com-
28 missioner.

29 Sec. 32. DEPOSIT OF SECURITIES IN LIEU OF INSURANCE OR BOND.

1 (1) The holder of any certificate or permit may furnish,
2 in lieu of the insurance policy or surety bond, as the case may be,
3 provided for in Sections 29 and 30 of this Act, money or bonds,
4 negotiable by delivery, of the State of Alaska, school districts
5 therein, or of any political subdivision therein, or obligations
6 of the United States, or obligations for which the faith of the
7 United States is pledged for the payment of both principal and
8 interest, equal in amount to the amount of the insurance policy or
9 bond required by the commissioner.

10 (2) So long as the deposit remains unencumbered the
11 depositor is entitled to collect the interest upon such securities.

12 (3) The commissioner shall hold the securities upon
13 such terms as he shall designate and approve pursuant to the pro-
14 visions of this Act, and shall deliver such securities to the
15 State Treasurer, who shall receive and hold them subject to the
16 lawful orders of the commissioner. The State Treasurer and his
17 surety shall be liable upon his official bond for their safekeeping.
18 The depositors shall reimburse the State Treasurer for any ex-
19 penses incurred by him in the mailing, insuring, shipping or
20 delivering of any such securities, or of the interest coupons
21 attached thereto as they mature.

22 (4) Such substituted security shall be subject to the
23 liabilities imposed by the terms of the policy of insurance or
24 surety bond then currently used by the commissioner.

25 (5) If the securities provided for in this section are
26 furnished in lieu of an insurance policy or bond, they shall not
27 be subject to withdrawal or assignment by the holder of the cer-
28 tificate or permit, either voluntarily or by operation of law,
29 until the expiration of one year after the holder of the certifi-

1 cate or permit in connection with which they are furnished has:

2 (a) Substituted therefor a policy of insurance
3 or surety bond as provided in Sections 29 and 30 of this Act;
4 or

5 (b) His certificate or permit cancelled or revoked;
6 or

7 (c) Surrendered such certificate or permit to the
8 commissioner for cancellation and has ceased operating
9 thereunder.

10 (6) If any such securities become impaired in value,
11 the commissioner shall require additional protection by insurance,
12 bond or substitute security to the extent that the value of the
13 securities, or any of them, may have become impaired.

14 Sec. 33. SELF-INSURANCE IN LIEU OF INSURANCE OR BOND.

15 (1) Any motor common carrier engaged in interstate or
16 intrastate operations within the State of Alaska, which is or
17 becomes qualified as a self-insurer with the Interstate Commerce
18 Commission of the United States in accordance with the laws of the
19 United States applicable to self-insurance by motor carrier, is
20 exempt, so long as such qualification remains effective, from the
21 provisions of Sections 29 to 32 of this Act.

22 Sec. 34. APPLICATION FEE: TRANSFER FEE. In addition to other
23 fees and taxes, every person applying for a certificate, permit or
24 license, or the extension or transfer of an existing certificate
25 under the Act, and whose application is or may be the subject of
26 a hearing shall pay to the commissioner a fee of \$25; provided,
27 however, that if no hearing is held in connection with such appli-
28 cation such fee shall be refunded.

29 Sec. 35. PLATE FEES: TEMPORARY PASS FEES, REVOCATION OF PLATE.

1 (1) In addition to other fees prescribed in this Act,
2 each motor carrier holding or obtaining a certificate or permit
3 under this Act shall pay to the commissioner a fee of \$2.50 for
4 each identification plate or marker issued to identify and be
5 attached to each self-propelled or motor driven vehicle and each
6 trailer or semi-trailer operated or to be operated in connection
7 with such certificate or permit. This fee shall be known as a
8 plate fee to be paid in advance of the issuance of the identifica-
9 tion plate or marker.

10 (2) In cases of emergency when because of a single trip
11 or short time operation not exceeding 10 days, it is impractical
12 to assign and have an identification plate or marker attached to
13 a vehicle, the commissioner may issue a temporary pass identify-
14 ing the vehicle. For this pass a fee of \$1 for each vehicle shall
15 be paid.

16 (3) An identification plate or marker may be summarily
17 revoked by the commissioner whenever the vehicle to which it is
18 issued is suspended from operation or removed from certificate or
19 permit. In such case no refund of fees shall be allowed for the
20 unexpired term of such identification plate or marker.

21 Sec. 36. BROKER'S AND FORWARDER'S FEES. Brokers and for-
22 warders shall pay to the commissioner a fee of six percent of the
23 gross revenue earned, less any freight charges paid by forwarders,
24 from intrastate business. On or before the twentieth day of each
25 month, each broker or forwarder shall pay the amount of the fees
26 due from them for the preceding calendar month. If payment is
27 not made on or before such date, there shall be added for each
28 month overdue a sum equal to one and one-half percent of the
29 amount of the original fee.

1 Sec. 37. FEES FOR COPIES OF DOCUMENTS AND TRANSCRIPTS. Ex-
2 cept when required by law to be furnished free of charge, the
3 commissioner shall collect a fee for all copies of orders, docu-
4 ments or transcripts, or other instruments prepared by him or
5 on file in his office, in accordance with the following schedule:

6 (1) Transcripts per page 8½ x 13, double spaced, 25
7 cents.

8 (2) Copies of all other documents, per folio, each 10
9 cents.

10 (3) Photostatic copies of documents, cost.

11 (4) Certified copies of documents, per certificate, 50
12 cents.

13 Sec. 38. COMMISSIONER'S GENERAL AUTHORITY TO PRESCRIBE AND
14 ENFORCE RULES, REGULATIONS AND CLASSIFICATIONS.

15 (1) The commissioner shall, by general order or other-
16 wise, prescribe and enforce rules and regulations in conformity
17 with this Act to better accomplish the enforcement of its provi-
18 sions which shall cover and include common carriers and private
19 carriers and their operations.

20 (2) The commissioner may make such subdivisions of the
21 carriers, as classified in this Act, as in his opinion may work
22 to the efficient administration of this Act and shall do all things
23 necessary to carry out and enforce its provisions.

24 (3) All rules and regulations made by the commissioner
25 pursuant to this Act and filed in his office have the force and
26 effect of law.

27 (4) Nothing in this Act shall be construed as prohibit-
28 ing a motor common carrier from also being engaged in the business
29 of a water or air common carrier.

1 (5) Without restricting the general powers conferred
2 upon the commissioner to prescribe and enforce rules and regula-
3 tions, the commissioner is vested with special authority with
4 respect to the matters listed in Sections 39 to 41 of this Act.

5 Sec. 39. REGULATION OF MOTOR VEHICLES. The commissioner
6 may:

7 (1) Require the weighing of motor vehicles loaded and
8 empty at reasonably frequent intervals;

9 (2) Inspect and require proper equipment and markings
10 of motor vehicles and insure the making of necessary repairs, to
11 promote efficient and safe operation.

12 Sec. 40. REGULATION OF HOURS OF SERVICE FOR DRIVERS.

13 (1) Except as limited by subsection (2) of this Section,
14 the commissioner may prescribe the limit of hours that drivers or
15 operators of motor vehicles may remain on duty at any time, and
16 the number of hours of release from duty required.

17 (2) Except in case of emergencies caused by acts of
18 God, no person shall require, or knowingly permit, any truck or
19 bus driver or his helper:

20 (a) To drive or operate a truck or bus or otherwise
21 be employed for a period longer than 12 consecutive hours.

22 (b) Who has been on duty 12 hours, in the aggre-
23 gate, in any 24-hour period, to continue or again go on duty
24 without having had at least 10 consecutive hours off duty.

25 (3) Venue for prosecution for the violation of this
26 section lies in the county of the residence of the defendant.

27 (4) The commissioner may revoke the certificate or
28 permit of any person for repeated violation of the laws or rules
29 governing hours of service.

1 (5) A driver or helper shall be deemed to be on duty as
2 long as he is required to be in or remain upon the vehicle, or is
3 otherwise employed during such period.

4 (6) This Section also applies to owner-drivers and
5 helpers.

6 Sec. 41. REGULATION OF SHIPPING RECEIPTS: CHANGES IN
7 VEHICLES AND ROUTES: CLASSIFICATION: RECORDS AND DISTINGUISHING
8 MARKS. The commissioner may:

9 (1) Require every person operating as a common carrier
10 of property, to issue a receipt in triplicate for freight received
11 for shipment, which shall contain the name of the truck operator,
12 date and place received, name of consignor, name of consignee,
13 destination, description of shipment, weight, rate and charges,
14 and signature of the carrier or his agent; one of said receipts
15 to be delivered to the consignor, one to the consignee and one to
16 be retained by the carrier in its files.

17 (2) Prescribe rules governing amendments of certifica-
18 tes or permits covering additions to and withdrawals of vehicles
19 and the extension or contraction of routes, and the filing of
20 applications therefor.

21 (3) Prescribe forms of accounts and records to be kept
22 reports to be made and blanks to be used by common carriers in
23 transportation operations, and matters incidental thereto.

24 (4) Prescribe distinguishing marks, such as signs,
25 colors, lights, tags and plates as may be convenient or necessary
26 for distinguishing classes of carriers or for protective or regu-
27 latory purposes.

28 Sec. 42. INJUNCTION AND MANDAMUS SUITS BY COMMISSIONER:
29 DEFENDING SUITS AGAINST STATE OR HIMSELF AS COMMISSIONER: EMPLOYING

1 ATTORNEYS.

2 (1) Whenever it appears to the commissioner that any
3 person is engaged or about to engage in any acts or practices which
4 constitute or will constitute a violation of this Act, or of any
5 rule, regulation or order issued under this Act, he may bring an
6 action in the proper circuit court in the State of Alaska to enjoin
7 such acts or practices and to enforce compliance with such rule,
8 regulation or order. Upon a proper showing a permanent or temporary
9 injunction, decree or restraining order shall be granted without
10 bond.

11 (2) Upon application of the commissioner, the circuit
12 courts of the State of Alaska have jurisdiction to issue writs
13 of mandamus commanding any person to comply with this or any rule,
14 regulation or order of the commissioner thereunder.

15 (3) The commissioner shall, in the name of the State of
16 Alaska, defend any action, suit or proceeding brought against the
17 state or himself, as commissioner, involving this Act or its admin-
18 istration or enforcement.

19 (4) The commissioner may employ such attorneys as he
20 finds necessary for proper legal aid and service of the commissioner
21 or his agents in the conduct of their work, or for the proper
22 representation of the public interest in investigations made by him,
23 or cases or proceedings pending before him, either at the commis-
24 sioner's own instance or upon complaint, or to appear for and
25 represent the commissioner in any case in court.

26 Sec. 43. CIVIL PENALTY FOR VIOLATION OF ACT OR ORDER OF
27 COMMISSIONER.

28 (1) In addition to all other penalties provided by law,
29 every person who violates or who procures, aids or abets in the

1 violation of this Act or any order, rule, regulation or decision
2 of the commissioner shall incur a penalty of \$100 for every such
3 violation.

4 (2) Each such violation shall be a separate offense and
5 in case of a continuing violation every day's continuance is a
6 separate violation. Every act of commission or omission which
7 procures, aids or abets in the violation is a violation under this
8 Section and subject to the penalty provided in this Section.

9 (3) Such penalty shall not be imposed except by order
10 following complaint and hearing. Such proceeding may only be
11 commenced within two years following the date of the violation
12 complained of.

13 (4) The commissioner may, upon written petition therefor
14 received within 15 days after the penalty order is served, mitigate
15 any penalty provided for in this Section or discontinue any action
16 at law to recover the same upon such terms as he deems proper.

17 (5) If the amount of such penalty is not paid to the
18 commissioner, the Attorney General shall bring an action in the
19 name of the State of Alaska in any court of competent jurisdiction
20 to recover such penalty. The action shall not be commenced until
21 after the time has expired for an appeal from the findings, con-
22 clusions and order of the commissioner. In all such actions the
23 procedure and rules of evidence shall be the same as an ordinary
24 civil action except as otherwise provided in this Act.

25 Sec. 44. APPOINTMENT OF ASSISTANTS AND EMPLOYEES: POWERS AND
26 DUTIES: UTILIZATION OF STATE POLICE IN ENFORCING ACT.

27 (1) The commissioner shall appoint and deputize two
28 assistants, who shall have immediate charge, under the supervision
29 of the commissioner, of the administration and enforcement of this

1 Act, and, with the approval of the commissioner, may appoint and
2 employ such auditors and other help as may be necessary to enable
3 them at all times properly to administer this Act. The commis-
4 sioner shall extend to such assistants, inspectors and employees
5 such duties and authority, within the provisions of this Act, as
6 the commissioner determines to be necessary efficiently to admin-
7 ister and enforce the Act.

8 (2) However, the commissioner shall call upon the State
9 Police for all police service or police assistance necessary or
10 required for the proper and efficient policing of carriers operat-
11 ing under this Act, and shall utilize the State Police wherever and
12 whenever activities are necessary to the end that there may be no
13 duplication of service or expense. Within the meaning of this Sec-
14 tion all field work, weighing of loads and such other field service
15 pertaining to operation of vehicles on the public highways other
16 than auditing and inspection of books, records and accounts are
17 police functions and duties.

18 Sec. 45. AUTHORITY OF COMMISSIONER OR HIS REPRESENTATIVES
19 TO HOLD HEARINGS: NOTICE: COMPELLING ATTENDANCE OF WITNESSES AND
20 PRODUCTION OF PAPERS.

21 (1) Hearings may be conducted by the commissioner or his
22 designated representatives at any place in Alaska.

23 (2) In all cases wherein a hearing is contemplated or
24 provided for under this Act, at least 10 days' written notice
25 thereof shall be served by the commissioner by mail or otherwise up-
26 on the party or parties involved. However, the commissioner may,
27 if such action is warranted, hold hearings upon shorter notice to
28 be prescribed by his order.

29 (3) The commissioner or his representatives may admin-

1 administer oaths, certify to official acts, issue subpoenas, compel the
2 attendance of witnesses, the giving of testimony by them, and by
3 the parties, and the production by witnesses and by the parties of
4 papers, bills of lading, shipping receipts, tariffs, waybills, con-
5 tracts, books, accounts and documents.

6 (4) If any person fails to comply with the order of
7 the commissioner or with any subpoena so issued, or any party or
8 witness refuses to testify on any matter regarding which he may
9 be lawfully interrogated, any circuit court in this state or any
10 judge thereof, on the application of the commissioner or his
11 designated representatives, shall compel obedience by proceedings
12 for contempt, as in the case of disobedience of the requirements
13 of a subpoena issued from such court or a refusal to testify
14 therein.

15 (5) No person shall neglect or refuse to attend and
16 testify or to answer any lawful inquiry or to produce any papers,
17 bills of lading, shipping receipts, tariffs, waybills, contracts,
18 books, accounts or documents, if in his power so to do, in obe-
19 dience to the subpoena or lawful requirement of the commissioner.

20 (6) The State of Alaska is not liable for witness fees,
21 mileage, or in any respect to any party, person or witness attend-
22 ing, or required by the commissioner to attend, any hearing con-
23 ducted by the commissioner or by any representative designated by
24 him, wherein the administration or enforcement of this Act or any
25 provision or part thereof is involved, when the hearing is held in
26 the county in which the carrier has his residence or principal
27 place of business; provided, the State of Alaska is liable in case
28 of witnesses who have in obedience to a subpoena issued by the
29 commissioner attended such hearing.

1 Sec. 46. COMMISSIONER'S ORDERS BIND SUCCESSORS OF CARRIERS
2 AFFECTED. All orders made by the commissioner shall remain in
3 force and bind the successors in interest, grantees, lessees or
4 assigns of any carrier affected thereby until set aside as pro-
5 vided by law.

6 Sec. 47. SERVICE OF PROCESS ON NONRESIDENT CARRIER BY
7 SERVING THE COMMISSIONER.

8 (1) The commissioner is the true and lawful attorney
9 upon whom all process, summons or notices in any action, suit or
10 proceeding against each motor carrier residing or having its prin-
11 cipal place of business outside this state may be served, when such
12 action, suit or proceeding is caused by or relates to the operation
13 of motor vehicles of or by such carrier within this state.

14 (2) The service of process, summons or notice upon such
15 carrier may be made by leaving a copy thereof, together with a
16 copy of the complaint or order, in the office of the commissioner.
17 The commissioner shall forthwith notify such carrier of such ser-
18 vice by letter directed to it at its residence or place of business
19 as shown by the records of the commissioner.

20 Sec. 48. MOTOR COMMON CARRIER'S ANNUAL REPORT. Every motor
21 common carrier shall, annually, on or before April 1, file with
22 the commissioner a report, verified under oath by its chief officer
23 or agent or owner, in such form as the commissioner prescribes,
24 covering the year ending December 31 next preceding, and showing
25 in detail:

26 (1) In case of a corporation:

27 (a) The amount of capital stock issued and the
28 amount and manner of payment therefor; and

29 (b) The dividends paid and the surplus fund, if any.

1 (2) In the case of all motor common carriers:

2 (a) The cost and value of the property, franchises
3 and equipment of the reporting company;

4 (b) The number of employees and officers;

5 (c) The amount expended for improvements, addi-
6 tions and additional equipment, how expended, and the kind
7 and character of such improvements, additions and additional
8 equipment;

9 (d) The gross earnings from each branch of busi-
10 ness and from all other sources;

11 (e) The operating and other expenses;

12 (f) The balance of profit or loss;

13 (g) A statement of the indebtedness of the report-
14 ing motor carrier and a complete exhibit of the financial
15 operations of the year, with an annual balance sheet;

16 (h) Information in regard to rates and regulations
17 concerning fares and freights;

18 (i) Agreements, arrangements or contracts with
19 other motor carriers and other common carriers;

20 (j) The operation, revenues, expenditures and all
21 intrastate business of such carrier as distinguished from its
22 interstate operations; and

23 (k) Such other matters pertaining to its operation
24 as the commissioner may require.

25 Sec. 49. INSPECTION OF BROKER'S AND FORWARDER'S RECORDS.

26 The commissioner and his special agents and examiners have the same
27 authority as to accounts, reports and records, including inspec-
28 tion and preservation thereof, with respect to any person holding
29 a broker's or forwarder's license issued under this Act, as in the

1 case of motor carriers.

2 Sec. 50. MOTOR CARRIER ACCOUNT.

3 (1) All fees, taxes, charges and other sums collected
4 by the commissioner under this Act shall be paid into the State
5 Treasury and shall be by the State Treasurer placed to the credit
6 of the General Fund.

7 (2) The commissioner may purchase the necessary supplies
8 and equipment and provide for all necessary and incidental expenses
9 incurred by him in administering and enforcing this Act.

10 (3) The Secretary of State shall audit all claims, duly
11 approved by the commissioner, which have been incurred in pursuance
12 of law, and draw his warrants on the State Treasurer for the pay-
13 ment thereof, payable out of the General Fund.

14 Sec. 51. RESTRICTIONS ON USE OF FUNDS. No part of the funds
15 produced by this Act shall be used by the commissioner directly or
16 indirectly:

17 (1) For the purpose of investigating the rules, charges,
18 practice or service of any carrier by rail.

19 (2) In his administration or enforcement of any law or
20 authority over any carrier by rail.

21 (3) To investigate any public utility other than motor
22 carriers.

23 (4) To investigate motor carriers beyond the appropria-
24 tion made in this Act.

25 Sec. 52. COMMISSIONER'S REPORT ON ADMINISTRATION OF ACT.

26 Annually on or before December 31 of each year, the commissioner
27 shall make to the Governor a report of his administration of this
28 Act which shall include, among other things, facts and statistics
29 relating to the effect of the administration of this Act upon the

1 classes of carriers affected thereby.

2 Sec. 53. DESTRUCTION OF OLD RECORDS. With the exception of
3 tariffs and annual reports, the commissioner may destroy motor
4 carrier records and documents covering permits, audits, records,
5 applications and documents and records pertaining thereto, that
6 have been in his custody more than six years and that, in his
7 opinion, are or may become obsolete and of no value.

8 Sec. 54. PENALTIES. Every person who violates or procures,
9 aids or abets violation of this Act and any person who refuses or
10 fails to obey any order, decision, rule or regulation, made under
11 or pursuant to this Act, shall be punished, upon conviction, by
12 a fine of not less than \$10 nor more than \$1,000 or by imprisonment
13 for not more than three months, or by both. All of the courts of
14 this state other than the Supreme Court shall have concurrent
15 jurisdiction of offenses punishable under this Section.
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