

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 87

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to provide for the regulation of
7 civil aeronautics in Alaska."

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

9 Section 1. SHORT TITLE. This Act may be known and cited as
10 the "Alaska Air Commerce Act of 1960."

11 Sec. 2. DECLARATION OF POLICY. The purpose and policy of
12 this Act in regulating air commerce is as follows:

13 (1) To recognize and preserve the inherent advantage
14 of such commerce.

15 (2) To foster sound economic conditions in such com-
16 merce and among air carriers in the public interest.

17 (3) To promote adequate, economical and efficient ser-
18 vice by such carriers, and reasonable charges therefor, without
19 unjust discriminations, undue preferences or advantages, and
20 unfair or destructive competitive practices.

21 (4) To provide for competition of the extent necessary
22 to assure the sound development of an air transportation system
23 properly adapted to and adequate to meet the needs of the com-
24 merce of this state.

25 (5) To improve the relations between and coordinate
26 transportation by and regulation of air carriers.

27 (6) To provide for the administration and enforcement
28 of this Act so as to avoid conflict with the regulation of air
29 carriers by the federal government.

1 (7) To maintain air transport services in Alaska on
2 an economically sound basis, pending a study of the air transport
3 needs of Alaska and the relationship of intrastate air services
4 to the interstate and foreign air services subject to regulation
5 by the federal Civil Aeronautics Board.

6 This Act shall be administered and enforced with a view to
7 carrying out the above declaration of policy.

8 Sec. 3. DEFINITIONS. As used in this Act, unless the con-
9 text otherwise requires:

10 (1) "air carrier" means any person undertaking to
11 engage in air commerce - whether directly or indirectly, or by
12 lease, contract, or any other arrangement, and whether over
13 regular or irregular routes.

14 (2) "air commerce" means carriage by aircraft of
15 persons or property for compensation or hire in intrastate com-
16 merce within the state, including the carriage by aircraft of
17 persons or property which move partly by aircraft and partly by
18 other forms of transportation.

19 (3) "aircraft" means any contrivance now known or
20 hereafter invented, used, or designed for navigation or flight in
21 the air.

22 (4) "air taxi operator" means an air carrier coming
23 within the classification of "Alaskan air taxi operators," as
24 defined and established by Part 293 of the Economic Regulations
25 of the federal Civil Aeronautics Board, adopted on December 30,
26 1958, and made effective on February 3, 1959.

27 (5) "commissioner" means the state Commissioner of
28 Commerce or his designated representative.

29 (6) "person" means any individual, firm, partnership,

1 corporation, company, association, joint-stock association or
2 body politic; and includes, without limitation, any trustee,
3 receiver, assignee or other person or persons acting in a rep-
4 resentative capacity.

5 (7) "state" means the State of Alaska.

6 Sec. 4. ORGANIZATION. The commissioner shall employ a
7 director and employees as he shall deem necessary in exercising
8 and performing his powers and duties. The compensation of all
9 officers and employees of the commissioner shall be fixed by
10 the legislature.

11 From time to time the commissioner may engage, for temporary
12 service, such duly qualified persons, including without limita-
13 tion, engineers, attorneys, technicians, accountants and other
14 qualified persons, as may be necessary or appropriate in the
15 administration of this Act, and may fix the compensation of such
16 persons. Such compensation and the expense of such employment
17 shall be paid out of the monies appropriated by the legislature
18 for the administration of this Act.

19 Sec. 5. GENERAL POWERS AND DUTIES OF THE COMMISSIONER.

20 a. Administration and Enforcement. It shall be the duty
21 of the commissioner to administer the provisions of this Act,
22 and to that end the commissioner shall have authority to make and
23 amend such general or special rules and regulations and to issue
24 such orders as may be necessary to carry out the policy and
25 purposes of this Act. The commissioner shall issue the general
26 rules, regulations, and orders pursuant to the provisions of
27 the Administrative Procedure Act.

28 b. Joint Hearings and Cooperation. The commissioner is
29 authorized to confer with or to hold joint hearings with any

1 authorities of the government of the United States, having juris-
2 diction with respect to matters affecting air commerce. The
3 commissioner is also authorized to avail himself of the coopera-
4 tion, services, records, and facilities of such authorities as
5 fully as may be practicable, in the enforcement or administration
6 of any provisions of this Act.

7 c. Interstate Rates and Service. When the interstate rates,
8 fares, charges or classifications of air carriers affecting the
9 commerce of this state are, in the opinion of the commissioner
10 excessive or discriminatory or are levied or imposed in violation
11 of the Act of Congress entitled "Federal Aviation Act of 1958,"
12 and the acts amendatory thereof and supplementary thereto, or in
13 conflict with the rulings, orders or regulations of the auth-
14 orities having jurisdiction thereof, or when interstate services
15 are, in the opinion of the commissioner inadequate, unsatisfactory,
16 or discriminatory, the commissioner may apply by petition to the
17 authorities having jurisdiction thereof for relief, and may
18 present to such authorities all facts coming to the commissioner's
19 knowledge as to violations of the rulings, orders, or regulations
20 of such authorities, or as to violations of the said Federal
21 Aviation Act of 1958 or acts amendatory thereof or supplementary
22 thereto.

23 d. Conduct of Proceedings. The commissioner shall conduct
24 his proceedings in such manner as will be conducive to the proper
25 dispatch of business and to the ends of justice. Any person may
26 appear before the commissioner and be heard in person or by
27 attorney. Every official act of the commissioner shall be entered
28 of record and the proceedings shall be open to the public upon
29 the request of any interested party.

1 Sec. 6. CERTIFICATES REQUIRED. Subject to the provisions
2 of Sec. 7, no person may engage in any air commerce unless there
3 is in force a certificate issued by the commissioner authorizing
4 such person to engage in such air commerce as a certificated
5 carrier, contract carrier, or air taxi operator.

6 Sec. 7. AUTHORITY FOR AIR CARRIERS. Persons may engage in
7 air commerce as follows:

8 (1) Certified Carriers. Any person holding a certi-
9 ficate of public convenience and necessity issued under the
10 provisions of this Act or issued on or before December 31, 1959
11 pursuant to federal statutory authority authorizing intrastate
12 air commerce within Alaska,

13 (a) may engage in air commerce along the routes
14 and between the points covered by such certificate or any
15 amendments thereto as authorized on December 31, 1959 or
16 as may be subsequently authorized under the provisions of
17 this Act, and may engage in air commerce along the routes
18 and between the points covered by any exemption, regulation,
19 or order in effect on December 31, 1959, or as subsequently
20 issued under the provisions of this Act.

21 (b) may make charter trips and render other
22 special services between points on routes which it is
23 authorized by its certificate to serve. Charter trips and
24 other special services may also be rendered to or from any
25 other point within or outside the state if such trips
26 originate at or are destined to a point on a route the
27 carrier is authorized by its certificate to serve.

28 (2) Carriers Exempted by Civil Aeronautics Board. Any
29 person who was authorized on December 31, 1959 to engage in air

1 commerce within Alaska solely pursuant to an exemption issued by
2 the federal Civil Aeronautics Board, may continue to engage in
3 air commerce to the extent authorized on December 31, 1959 but
4 is subject to the conditions and limitations of the exemption as
5 effective on that date.

6 (3) Contract Carriers. Any person who is authorized
7 under this Act to engage in air commerce as a contract carrier,
8 or who, as a contract carrier, was a resident authorized and
9 engaged in air commerce between September 1, 1959 and the effec-
10 tive date of this Act, may engage or continue to engage in air
11 commerce to the extent that contract carriers were authorized on
12 December 31, 1959 but subject to the conditions and limitations
13 of the authority as effective on that date.

14 (4) Air Taxi Operators. Any person who is authorized
15 under this Act to engage in air commerce as an air taxi operator
16 or who was a resident engaged in air commerce as an air taxi
17 operator between September 1, 1959 and the effective date of
18 this Act, may engage or continue to engage in air commerce as an
19 Alaska air taxi operator subject to the following limitations
20 and conditions.

21 Any person who was engaged in air commerce as an air
22 taxi operator between September 1, 1959 and the effective date
23 of this Act, may continue to engage as an air taxi operator for
24 a period of 60 days after the effective date of this Act, and
25 thereafter until such time as the commissioner shall pass upon
26 an application for an Alaskan air taxi operator's certificate to
27 engage in such commerce; provided, that within 60 days after the
28 effective date of this Act such person has made application to
29 the commissioner for an Alaskan air taxi operator's certificate,

1 and complies with the following conditions and limitations appli-
2 cable to every air taxi operator:

3 (a) Such person shall comply with all laws,
4 rules and regulations relating to the providing of safe and
5 adequate service, equipment, and facilities in connection
6 with such air commerce, and

7 (b) such person at all times shall comply with
8 the conditions and limitations contained in Secs. 293.1,
9 293.2, 293.3 and 293.17(a) of Part 293 of the Economic Regula-
10 tions of the federal Civil Aeronautics Board, adopted
11 December 30, 1958 and made effective February 3, 1959, sub-
12 ject to the following modifications of the provisions con-
13 tained in those sections: (1) an Alaskan air taxi operator
14 may utilize in air transportation, in all areas of Alaska
15 north of 60° north latitude and west of 138° west longitude,
16 aircraft having a "maximum certificate take off weight" (as
17 that term is defined in Sec. 293.1 of the said Economic
18 Regulations) of 12,500 pounds or less; (2) an Alaskan air
19 taxi operator is authorized both to employ or hire pilots
20 and to lease, rent, and own aircraft without limitation as
21 to number.

22 (5) Resident. The term "resident" as used in subsec-
23 tions (3) and (4) of this section means any person, if an indivi-
24 dual or a partnership, who has resided in Alaska for at least one
25 year immediately prior to the passage of this Act, and if a
26 corporation, which has been incorporated under the laws of Alaska
27 and which has as stockholders owning at least 75% of the stock,
28 persons who have resided in Alaska for at least one year prior to
29 the passage of this Act.

1 Sec. 8. TEMPORARY EXEMPTION OF AIR CARRIERS. From time to
2 time and to the extent necessary, the commissioner may exempt
3 from the requirements of this Act or any provision thereof, or
4 any rule, regulation, term, condition, or limitation prescribed
5 thereunder, any air carrier or class of air carriers, if the
6 commissioner finds that the enforcement of this Act or such pro-
7 vision, or such rule, regulation, term, condition or limitation
8 is or would be an undue burden on such air carrier or class of
9 air carriers by reason of the limited extent of, or unusual cir-
10 cumstances affecting the operation of such air carrier or class
11 of air carriers, and is not in the public interest.

12 Sec. 9. APPLICATIONS FOR CERTIFICATES.

13 a. Form and Contents. Applications for a certificate shall
14 be made in writing to the commissioner and shall be in such form
15 and contain such information and be accompanied by a proof of
16 service upon such interested parties as the commissioner shall,
17 by regulation, require.

18 b. Notice and Hearing. Upon the receipt of an application
19 for a certificate, the commissioner shall give due notice thereof
20 (1) to the public by posting a notice of such application in the
21 office of the commissioner; and (2) to such persons, and by such
22 means, as the commissioner shall determine by regulation. Any
23 interested person may file with the commissioner a statement of
24 issues as provided by the Administrative Procedure Act or a
25 memorandum in support of the issuance of a certificate. A public
26 hearing shall be held on such application if the applicant, or
27 any person having a substantial interest in the proceeding, shall
28 so request within such time as the commissioner shall provide by
29 regulation.

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1 c. New Service Investigations. Whenever he deems such action
2 advisable, the commissioner upon his own initiative may conduct an
3 investigation to determine whether additional air commerce appears
4 to be needed. If after such investigation the commissioner is
5 of the opinion that such procedure is appropriate, he may encourage
6 the filing of applications for certificates authorizing the furnish-
7 ing of such commerce.

8 Sec. 10. ISSUANCE OF CERTIFICATES.

9 a. Findings Required. Subject to the provisions of subsec-
10 tion b. of this section, the commissioner shall issue a certificate
11 authorizing the applicant to engage in air commerce as a contract
12 carrier or air taxi operator, or authorizing the whole or any
13 part of the operation covered by an application for a certificate
14 for a certificated carrier

15 (1) if the commissioner finds that the applicant is
16 fit, willing and able to engage in air commerce properly and to
17 comply with and conform to the provisions of this Act and the rules,
18 regulations, and requirements of the commissioner hereunder; and

19 (2) if the commissioner finds that such air commerce
20 and the performance thereof by the applicant, is required by the
21 public convenience and necessity and is consistent with the
22 declaration of policy contained in Sec. 2 of this Act.

23 If all of the findings required in paragraphs (1) and (2)
24 above are not made in each case, then the application shall be
25 denied.

26 b. Evidence of Compliance with Other Laws. No certificate
27 may be issued to any person to operate as an air carrier unless
28 the applicant submits evidence, satisfactory to the commissioner,
29 showing that it can and will comply with the provisions of the

1 laws of the United States, and the state, and the lawful rules,
2 regulations and orders thereunder, respecting safety of opera-
3 tion.

4 Sec. 11. TERMS AND CONDITIONS OF CERTIFICATE.

5 a. General Terms and Conditions. Each certificate issued
6 to a certificated carrier under this Act shall specify the points
7 between which, or the areas within which, the holder is authorized
8 to engage in operations as an air carrier and the service to be
9 rendered. There shall be attached to the exercise of the privil-
10 eges granted by a certificate issued under the provisions of this
11 Act, or amendment to any certificate, such reasonable terms,
12 conditions, and limitations as the public interest may require.

13 b. Effective Date and Duration of Certificates. (1) Sub-
14 ject to the provisions of paragraph (2) of this subsection b.,
15 unless and until a certificate is modified, suspended or revoked,
16 as hereafter provided, each certificate shall be effective from
17 the date specified therein, and shall continue in effect in-
18 definitely, or, if issued for a limited period of time shall con-
19 tinue in effect until the expiration thereof.

20 (2) If any service authorized by a certificate for a
21 certificated carrier is not inaugurated within 90 days immediately
22 following the date of authorization of the commissioner, or within
23 such shorter period of time as may be fixed by the commissioner;
24 or if any such service is not operated for a period of 90 days,
25 or for such other period of time as may be designated by the
26 commissioner, then in either of such events, the commissioner,
27 after notice and opportunity for hearing as provided in the Ad-
28 ministrative Procedure Act, may order that such certificate shall
29 thereupon cease to be effective to the extent of the service

1 authorized.

2 c. Emergency Operations. No certificated carrier exempt
3 under Sec. 7 (2) of this Act shall be deemed to have violated
4 any term, condition or limitation of its certificate by landing
5 or taking off during an emergency at a point not named in its
6 certificate, or by operating during an emergency, under regula-
7 tions which may be prescribed by the commissioner between ter-
8 minal and intermediate points other than those specified in its
9 certificate.

10 d. No Exclusive Rights. No certificate shall confer any
11 proprietary, property, or exclusive right in the use of any air
12 space, civil airway, public landing area or public air naviga-
13 tion facility.

14 Sec. 12. MODIFICATION, SUSPENSION, OR REVOCATION OF CER-
15 TIFICATES. Upon a petition or upon an accusation filed by any
16 person or the commissioner pursuant to the Administrative Procedure
17 Act, and after notice and opportunity for hearing, the commissioner
18 by order may alter, amend, or modify any certificate, in whole or
19 in part, if the public convenience and necessity so require, and
20 may suspend or revoke any certificates, in whole or in part, for
21 any of the following reasons:

22 (1) For intentional misrepresentation of a material
23 fact in obtaining such certificate.

24 (2) For voluntary discontinuance of operations.

25 (3) For intentional failure to comply with any pro-
26 vision of this Act or any order, rule, or regulation issued
27 hereunder.

28 (4) For intentional failure to comply with any term,
29 condition, or limitation of such certificates.

1 Sec. 13. TRANSFER OF CERTIFICATES. Any certificate may be
2 transferred or leased subject to the approval of the commissioner,
3 and under such reasonable rules and regulations as the commission-
4 er may prescribe. Except where a transfer of a certificate
5 results from the operation of law, approval of such transfer or
6 lease shall be given only upon a finding by the commissioner,
7 after notice and opportunity for a hearing, that such transfer
8 or lease will be consistent with the public interest. The
9 application for approval shall be made jointly by the transferor
10 and transferee or lessor and lessee.

11 Sec. 14. ABANDONMENT OR DISCONTINUANCE OF SERVICE BY
12 CERTIFICATED CARRIER. No certificated carrier or carrier exempt
13 under Sec. 7 (2) of this Act shall abandon or discontinue any
14 service or part thereof for which a certificate has been issued
15 by the commissioner, unless upon the application of such carrier,
16 after notice and opportunity for hearing, the commissioner shall
17 find such abandonment or discontinuance to be in the public in-
18 terest. Any interested person may file with the commissioner a
19 protest or memorandum of opposition to or in support of any such
20 abandonment. The commissioner may, by regulations or otherwise,
21 authorize such temporary suspension of service as may be in the
22 public interest.

23 Sec. 15. SECURITY FOR THE PROTECTION OF THE PUBLIC. No
24 certificate shall be issued to an air carrier nor shall any
25 certificate remain in force unless such carrier complies with such
26 reasonable rules and regulations as the commissioner shall pres-
27 cribe governing the filing and approval of surety bonds, policies
28 of insurance, qualifications as a self-insurer of other securities
29 or agreements, in such reasonable amount as the commissioner may

1 require. Such surety bonds, policies of insurance, qualifica-
2 tions as a self-insurer, or other securities shall be conditioned
3 to pay, within the amounts thereof, any final judgment recovered
4 against such carrier for bodily injuries to or the death of any
5 person resulting from the negligent operation, maintenance
6 or use of aircraft under such certificate, or for the loss or
7 damage to property of others. Nothing in this Act shall relieve
8 a certificate holder from any liability for negligence, whether
9 or not it has complied with the requirements of this section.

10 Sec. 16. TARIFFS.

11 a. Filing of Tariffs Required. Every certificated carrier
12 and carrier exempt under Sec. 7 (2) of this Act shall file with
13 the commissioner and make available to the public, tariffs
14 showing all rates, fares and charges for air commerce between
15 points served by it, and between points served by it and points
16 served by any other air carrier when through air commerce service
17 and rates have been established, and all classifications, rules,
18 regulations, practices, and services in connection with such
19 commerce.

20 b. Extent and Manner of Filing; Form. Tariffs shall be
21 filed and made available to the public to the extent and in the
22 manner required by regulations of the commissioner. The form of
23 every such tariff shall be prescribed by the commissioner and
24 shall conform as nearly as may be to the form of tariffs required
25 of air carriers by the Civil Aeronautics Board or other agency
26 of the federal government under the Act of Congress entitled
27 "Federal Aviation Act of 1958," and the acts amendatory thereof
28 and supplementary thereto. The rates, fares and charges shown
29 in any tariff shall be stated in terms of lawful money of the

1 United States.

2 c. Rejection of Tariffs. The commissioner is empowered to
3 reject any tariff which is not consistent with this section and
4 the regulations of the commissioner thereunder. Any tariff so
5 rejected shall be void.

6 d. Observance of Tariffs, Rebating Prohibited. No cer-
7 tificated carrier or carrier exempt under Sec. 7 (2) of this Act
8 shall charge or demand or collect or receive a greater or less
9 or different compensation for air commerce, or for any service in
10 connection therewith, than the rates, fares, and charges speci-
11 fied in its currently effective tariffs. No such carrier shall,
12 in any manner or by any device, directly or indirectly, or
13 through any agent or broker, or otherwise, refund or remit any
14 portion of the rates, fares, or charges so specified, or extend
15 to any person any privileges or facilities, with respect to
16 matters required by the commissioner to be specified in such
17 tariffs, except those specified therein. In the event that an
18 excessive rate, fare, or charge is stated in a currently effective
19 tariff through error, the air carrier may, in accordance with
20 regulations prescribed by the commissioner, make appropriate
21 refunds to any person paying such charge.

22 e. Free or Reduced Rates. Nothing in this Act shall pro-
23 hibit certificated carriers or carrier exempt under Sec. 7 (2) of
24 this Act under such terms and conditions as the commissioner
25 may prescribe, from issuing or interchanging tickets or passes
26 for free or reduced rate transportation to their directors,
27 officers, employees and retired employees and their immediate
28 families; to witnesses and attorneys attending any legal inves-
29 tigation in which any such carrier is interested; to persons

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1 injured in aircraft accidents and physicians and nurses attend-
2 ing such persons; and to any person or property with the object
3 of providing relief in cases of general epidemic, pestilence,
4 or other calamitous visitation. No such carrier shall provide
5 free or reduced rate transportation to any other persons or under
6 any other circumstances.

7 f. Notice of Change in Tariff. No change shall be made in
8 any rate, fare, or charge, or any classification, rule, regula-
9 tion, or practice affecting such rate, fare, or charge or the
10 value of the service thereunder, specified in any effective
11 tariff of any certificated carrier or carrier exempt under Sec.
12 7 (2) of this Act, except after 30 days' notice of the proposed
13 change filed, and made available to the public in accordance with
14 subsections a. and b. of this section. Such notice shall plainly
15 state the change proposed to be made and the time such change
16 will take effect. In the public interest the commissioner, by
17 regulation or otherwise, may allow such change upon notice less
18 than that herein specified, or modify the requirements of this
19 section with respect to filing and posting of tariffs, either in
20 particular instances or by general order applicable to special or
21 peculiar circumstances or conditions.

22 Sec. 17. RATES AND SERVICE.

23 a. Duties of Certificated Carriers. Every certificated
24 carrier and carriers exempt under Sec. 7 (2) of this Act shall
25 have the following duties:

26 (1) To provide and furnish air commerce, as authorized
27 by its certificate, upon reasonable request therefor and to pro-
28 vide reasonable through service in such commerce in connection
29 with other such carriers or with common carriers by railroad,

1 motor vehicle, express or water.

2 (2) To provide adequate and reasonable service, equip-
3 ment, and facilities, in connection with such commerce.

4 (3) To establish, observe and enforce just and reason-
5 able individual and joint rates, fares, and charges, and just and
6 reasonable classifications, rules, regulations, and practices
7 relating to such commerce.

8 b. Discrimination. No certificated carrier or carrier
9 exempt under Sec. 7 (2) of this Act shall make, give, or cause
10 any undue or unreasonable preference or advantage to any parti-
11 cular person, port, locality, or description of traffic in any
12 respect whatsoever or subject any particular person, port locality
13 or description of traffic to any unjust discrimination or any
14 undue or unreasonable prejudice or disadvantage in any respect
15 whatsoever.

16 c. Power to Prescribe Rates and Practices. Whenever, after
17 notice and opportunity for hearing, upon complaint, or upon his
18 own initiative, the commissioner shall be of the opinion that any
19 individual or joint rate, fare or charge demanded, charged,
20 collected, or received by any certificated carrier or carrier
21 exempt under Sec. 7 (2) of this Act for air commerce performed
22 by it, or any classification, rule, regulation, or practice
23 affecting such rate, fare or charge, or the value of the service
24 thereunder, is or will be unjust or unreasonable, unjustly dis-
25 criminatory, unduly preferential or unduly prejudicial, the
26 commissioner shall determine and prescribe the lawful rate, fare
27 or charge (or the maximum or minimum, or the maximum and minimum
28 thereof) thereafter to be demanded, charged, collected or re-
29 ceived, or the lawful classification, rule, regulation, or

1 practice thereafter to be made effective.

2 d. Suspension of Rates. Whenever any certificated carrier
3 or carrier exempt under Sec. 7 (2) of this Act shall file with
4 the commissioner a tariff stating a new individual or joint rate,
5 fare or charge for air commerce or any classification, rule,
6 regulation, or practice affecting such rate, fare or charge, or
7 the value of the service thereunder, the commissioner is em-
8 powered, upon complaint or upon his own initiative, at once, and
9 if he so orders, without answer or other formal pleading by such
10 carrier, but upon reasonable notice, to enter upon an investiga-
11 tion concerning the lawfulness of such rate, fare or charge, or
12 such classification, rule, regulation, or practice. Pending such
13 investigation and the decision thereon, the commissioner, by
14 filing with such tariff, and delivering to the certificated carrier
15 or the carrier exempt under Sec. 7 (2) of this Act affected
16 thereby, a statement in writing of his reasons for such suspen-
17 sion, may suspend the operation of such rate, fare or charge, or
18 such classification, rule, regulation, or practice, for a period
19 of 90 days. If the proceeding has not been concluded and a final
20 order made within such period, the commissioner, may from time to
21 time, extend the period of suspension, but not for a longer period
22 in the aggregate than 180 days beyond the time when such tariff
23 would otherwise go into effect; and before or after the rate, fare,
24 charge, classification, rule, regulation, or practice goes into
25 effect, the commissioner, after opportunity for hearing, may make
26 such order with reference thereto as would be proper in a proceed-
27 ing instituted after such rate, fare, charge, classification,
28 rule, regulation, or practice had become effective. If the pro-
29 ceeding has not been concluded and an order made within the period

1 of suspension, the proposed rate, fare, charge, classification,
2 rule, regulation, or practice shall go into effect at the end
3 of such period; provided, that this subsection shall not apply
4 to any initial tariff filed by any such carrier.

5 e. Power to Establish Through Transportation Service.
6 The commissioner shall, whenever required by the public convenience
7 and necessity, after notice and hearing, upon complaint or upon
8 his own initiative, establish through service and joint rates,
9 fares or charges (or the maxima and minima thereof) for air
10 commerce performed by certificated carriers or carriers exempt
11 under Sec. 7 (2) of this Act, or the classification, rules, regu-
12 lations, or practices affecting such rates, fares, or charges, or
13 the value of service thereunder, and the terms and conditions
14 under which such through service shall be operated.

15 f. Schedules. Certificated carriers and carriers exempt
16 under Sec. 7 (2) of this Act shall publish, post and file with
17 the commissioner in accordance with general or special regula-
18 tions prescribed by the commissioner, schedules showing the
19 time of arrival and departure of regularly scheduled aircraft
20 engaged in air commerce.

21 Sec. 18. FEDERAL LAWS AND REGULATIONS. To the extent that
22 the Civil Aeronautics Board or any other agency of the federal
23 government acting pursuant to federal statute exercises juris-
24 diction by order or regulation with respect to tariffs, rates
25 and services of air carriers and there is compliance with such
26 order or regulation by the air carrier or air carriers concerned,
27 such shall be deemed to be compliance with the provisions of Secs.
28 16 and 17 of this Act and any regulation or order of the commis-
29 sioner issued thereunder. However, the commissioner may require

1 the filing with him of any or all tariffs and schedules which an
2 air carrier is required to file with the Civil Aeronautics Board
3 of the United States or any other federal agency with respect
4 to such air commerce.

5 Sec. 19. ACCOUNTS, RECORDS AND REPORTS.

6 a. Filing of Reports. The commissioner is empowered to
7 require annual reports from any air carrier covering any or all
8 operations or business. The commissioner may also require month-
9 ly, periodical, and special reports from any air carrier; may
10 prescribe the manner and form in which such reports shall be made;
11 and may require from any such carrier specific answers to any
12 questions pertaining to air commerce performed by him within the
13 state, and the books, records, properties or operations in connec-
14 tion therewith upon which the commissioner may deem information
15 to be necessary. Such annual, monthly, periodical, and special
16 reports and answers to questions shall be under oath whenever
17 the commissioner so requires. The contents of such regular re-
18 ports and the form thereof shall conform as nearly as may be to
19 that required of air carriers by the Civil Aeronautics Board or
20 other agency of the federal government under the Act of Congress
21 entitled "Federal Aviation Act of 1958" and the acts amendatory
22 thereof and supplementary thereto. The commissioner may also
23 require any air carrier to file with him a true copy of each or
24 any contract, agreement, understanding, or arrangement, between
25 such carrier and any other carrier or person, in relation to any
26 traffic affected by the provisions of this Act.

27 b. Form of Accounts. The commissioner shall prescribe the
28 forms of any and all accounts, records, and memoranda to be kept
29 by air carriers, including the accounts, records and memoranda

1 of the movement of traffic, as well as of the receipts and ex-
2 penditures of money, and the length of time such accounts, records
3 and memoranda shall be preserved. The forms of accounts, records
4 and memoranda prescribed by the commissioner as provided above
5 shall conform as nearly as may be to those from time to time
6 prescribed by the Civil Aeronautics Board or other agency of the
7 federal government under the Act of Congress entitled "Federal
8 Aviation Act of 1958," and the acts amendatory thereof and
9 supplementary thereto.

10 c. Inspection of Accounts and Property. At all times the
11 commissioner shall have access to all lands, buildings and
12 equipment of any air carrier and to all accounts, records, and
13 memoranda, including all documents, papers, and correspondence,
14 now or hereafter existing, and kept or required to be kept by
15 such carriers; and he may employ special agents or auditors, who
16 shall have authority under the orders of the commissioner to
17 inspect and examine any and all such lands, buildings, equipment,
18 accounts, records, and memoranda.

19 d. Federal Requirements. If an air carrier maintains re-
20 cords and accounts and furnishes reports in compliance with law-
21 ful regulations of the Civil Aeronautics Board of the United
22 States or other agency of the federal government with respect to
23 operations and business in the state, then this shall constitute
24 compliance with the provisions of subsections a. and b. of this
25 section and the regulations, rules and orders promulgated there-
26 under by the commissioner. The commissioner may require of any
27 such carrier that it furnish the commissioner with copies of all
28 reports furnished the Civil Aeronautics Board of the United States
29 or other agency of the federal government, and in addition, the

1 commissioner in his discretion may require the preparation and
2 furnishing of such special reports, records, and accounts as he
3 deems necessary.

4 Sec. 20. METHODS OF COMPETITION. The commissioner, upon
5 his own initiative or upon complaint by any air carrier or ticket
6 agent, if he considers that such action by him would be in the
7 interest of the public, may investigate and determine whether
8 any air carrier or ticket agent has been or is engaged in unfair
9 or deceptive practices or unfair methods of competition in air
10 commerce or the sale thereof. If the commissioner shall find,
11 after notice and opportunity for hearing, that such air carrier
12 or ticket agent is engaged in such unfair or deceptive practices
13 or unfair methods of competition, it shall order such air carrier
14 or ticket agent to cease and desist from such practice or methods
15 of competition.

16 Sec. 21. COMPLAINT TO AND INVESTIGATIONS BY THE COMMISSIONER.

17 a. Complaints. Any person may file with the commissioner
18 a complaint in writing with respect to anything done or omitted
19 to be done by any person in contravention of any provision of this
20 Act, or of any requirement established pursuant thereto. If the
21 person complained against shall not satisfy the complaint and
22 there shall appear to be any reasonable ground for investigating
23 the complaint, it shall be the duty of the commissioner to in-
24 vestigate the matters complained of. The state Department of Public
25 Safety shall assist the commissioner in the investigations. When-
26 ever the commissioner is of the opinion that any complaint does
27 not state facts which warrant an investigation or action on his
28 part, he may dismiss such complaint without hearing.

29 b. Investigations. The commissioner is empowered at any

1 time to institute an investigation, on his own initiative, in
2 any case and as to any matter or thing concerning which complaint
3 is authorized to be made to or before the commissioner by any
4 provisions of this Act, or concerning which any question may arise
5 under any of the provisions of this Act, or relating to the en-
6 forcement of any of the provisions of this Act. The commissioner
7 shall have the same power to proceed with any investigation in-
8 stituted on his own motion as though he had been appealed to by
9 complaint.

10 c. Enforcement. If the commissioner finds, after notice and
11 opportunity for hearing, in any investigation instituted upon com-
12 plaint or upon his own initiative, that any person has failed to
13 comply with any provisions of this Act or any requirement es-
14 tablished pursuant thereto, the commissioner shall issue an
15 appropriate order to compel such person to comply therewith.

16 Sec. 22. ORDERS, NOTICE, SERVICE.

17 a. Effective Date of Commissioner's Orders. Except as
18 otherwise provided in this Act, all orders, rules, and regula-
19 tions of the commissioner shall take effect within the time
20 provided in the Administrative Procedure Act if applicable and
21 if not applicable within such reasonable time as the commissioner
22 may prescribe, and shall continue in force until his further
23 order, rule or regulation, or for a specified period of time,
24 as shall be prescribed in the order, rule, or regulation or as
25 prescribed by the Administrative Procedure Act where applicable.

26 b. Agent for Process. It shall be the duty of every air
27 carrier within 60 days after the effective date of this Act to
28 designate in writing an agent upon whom service of all notices
29 and process and all orders, decisions, and requirements of the

1 commissioner may be made for and on behalf of said carrier, and to
2 file such designation in the office of the commissioner. Such
3 designation may from time to time be changed by like writing
4 similarly filed. Service of all notices, process, orders, de-
5 cisions and requirements of the commissioner may be made upon
6 such carrier by service upon such designated agent at his office
7 or usual place of residence with like effect as if made personally
8 upon such carrier. In default of such designation of such agent,
9 service of any notice or other process in any proceedings before
10 said commissioner, or of any order, decision or requirement of
11 the commissioner, may be made by posting such notice, process,
12 order, requirement or decision in the office of the commissioner.

13 c. Service of Notices, etc. Services of notices, processes,
14 orders, rules and regulations upon any person may be made by
15 personal service, or upon an agent designated in writing for the
16 purpose, or by registered or certified mail addressed to such
17 person or agent. Whenever service is made by registered or
18 certified mail, the date of mailing shall be considered as the
19 time when service is made.

20 d. Suspension and Modifications of Orders. Except as
21 otherwise provided in this Act, the commissioner is empowered
22 to suspend or modify his orders pursuant to the Administrative
23 Procedure Act, if applicable, or upon such notice and in such
24 manner as it shall deem proper.

25 e. Duty to Comply. It shall be the duty of every person
26 subject to this Act, and its agents and employees, to observe
27 and comply with any order, rule, regulation, or certificate
28 issued by the commissioner under this Act affecting such person
29 so long as the same shall remain in effect.

1 f. Findings of Fact. Every order of the commissioner shall
2 set forth the findings of fact upon which it is based, and shall
3 be served upon the parties to the proceeding and the persons
4 affected by such order.

5 Sec. 23. JUDICIAL ENFORCEMENT.

6 a. In General. If any person violates any provision of
7 this Act, or any rule, regulation, requirement, or order there-
8 under, or any term, condition or limitation of any certificate
9 or permit issued under this Act, then the commissioner, or in
10 the case of a violation of Secs. 6 or 7 of this Act any party
11 in interest (without prior resort to the commissioner), may apply
12 to the Superior Court of the State of Alaska for the enforcement
13 of said provision, or of such rule, regulation, requirement,
14 order, term, condition, or limitation; and such court shall have
15 jurisdiction to enforce obedience thereto by a writ of injunction
16 or other process, mandatory or otherwise, restraining such per-
17 son, its officers, agents, employees and representatives, from
18 further violation of said provision or of such rule, regulation,
19 requirement, order, term, condition or limitation, and enjoining
20 upon them obedience thereto.

21 b. Duty of State's Attorney. Upon the request of the
22 commissioner, it shall be the duty of the Department of Law of
23 this state to whom the commissioner may apply to institute in
24 the proper court and to prosecute under the direction of the
25 attorney general of the state all necessary proceedings for the
26 enforcement of the provisions of this Act or any rule, regulation,
27 requirement, or order thereunder, or any term, condition or
28 limitation of any certificate or permit, and for the punishment
29 of all violations thereof.

1 Sec. 24. ADMINISTRATIVE AND JUDICIAL REVIEW. Any order,
2 affirmative or negative, issued by the designated representative
3 of the commissioner under this Act shall be subject initially
4 to review by the commissioner in the manner prescribed by
5 regulation issued by the commissioner, and shall be subject
6 thereafter to judicial review as prescribed by the Administra-
7 tive Procedure Act.

8 Sec. 25. PENALTIES. Every person, including any officer,
9 agent or employee of a corporation who violates, procures, aids
10 or abets in the violation of any provision of this Act, or fails
11 to comply with any order, decision or regulation issued by the
12 commissioner, shall be guilty of a misdemeanor, and upon convic-
13 tion thereof shall be punishable by a fine of not to exceed
14 \$1,000.00. Every day's violation of this Act or of any of the
15 terms or conditions of any such order, decision or regulation
16 shall constitute a separate offense, punishable as aforesaid.

17 Sec. 26. PUBLIC DISCLOSURE OF INFORMATION. Any person may
18 make written objections to the public disclosure of information
19 contained in any application, report or document filed pursuant
20 to the provisions of this Act or of information obtained by the
21 commissioner pursuant to the provisions of this Act, stating the
22 grounds for such objection. Whenever any such objection is made,
23 the commissioner shall order such information withheld from public
24 disclosure when in its judgment a disclosure of such information
25 would adversely affect the interest of such person and is not
26 required in the interest of the public.

27 Sec. 27. EFFECTIVE DATE. This Act takes effect on the day
28 after its passage and approval or on the day it becomes law
29 without such approval.