1 IN THE HOUSE BY MESSRS. REED, CASHEL, STRANDBERG, BINKLEY AND PRATT

2 HOUSE BILL NO. 418

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Motor Freight
7 Carrier Act; amending Ch. 166, SLA 1960;
8 and providing for an effective date."

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

10 Section 1. Sec 2(4), Ch. 166, SLA 1960, is amended to read:

11 (4) The term "public highway" means every street, road
12 or highway in this state, <u>including but not limited to those</u>
13 <u>over which the state exercises police authority, whether or</u>
14 <u>not constructed or maintained by the state</u>.

15 Sec. 2. Sec. 2(5)b, Ch. 166, SLA 1960, is amended to read:

16 b. Any person who leases, rents or otherwise provides
17 a motor vehicle for the use of others in transporting property,
18 and who, in connection therewith, provides, procures or
19 arranges for, directly, indirectly or by course of dealing,
20 a driver or operator therefor or the necessary authority for
21 the use thereof on the public highways <u>except when such</u>
22 <u>motor vehicle is leased to a duly authorized common carrier</u>
23 <u>or contract carrier</u>.

24 Sec. 3. Sec. 2(7), Ch. 166, SLA 1960, is amended to read:

25 (7) A "private carrier" is a person who, in his own
26 vehicle, transports only property owned or being bought or
27 sold by him in good faith and only when such transportation
28 is purely an incidental adjunct to some other established
29 <u>primary</u> private business<u>, other than transportation,</u> owned

1 or operated by him in good faith. The phrase "purely and
2 incidental adjunct" means incidental transportation of the
3 private carrier's own property as a minor or insignificant
4 consequence to the established primary private business.
5 The term "private carrier" also includes all persons who
6 rent, lease, or otherwise provide a motor vehicle for use of
7 others in transporting property, and who, in connection there-
8 with, do not provide, procure, or arrange for a driver or
9 operator.
10 Sec. 4. Sec. 3, Ch. 166, SLA 1960, is amended to read:
11 Sec. 3. DECLARATION OF POLICY. The business of
12 operating as a motor carrier [OF FREIGHT] for compensation
13 or gain upon the highways of the State of Alaska is declared
14 to be a business affected with a public interest. The
15 sparsely settled area, the tremendous distances between small
16 and large centers of population, the difficult terrain and
17 the hazards of weather make imperative that an adequate and
18 dependable and available transportation service for the
19 movement of necessary and vital supplies and material be
20 maintained. That the shippers and receivers of freight or
21 property in the State of Alaska may be provided with a
22 stabilized service and rate structure; that sound economic
23 conditions among such carriers and which will guarantee
24 such transportation may be fostered in the public interest;
25 that adequate, economical and efficient service by motor
26 carriers, and reasonable charges therefor may be promoted
27 without unjust discrimination, undue preferences or
28 advantages, or unfair or destructive competitive practices;
29 that the common carrier of commodities by motor carrier may

be preserved in the public interest; that the relations between, and transportation by and regulation of, motor carriers and other carriers may be improved and coordinated so that the highways of the State of Alaska may be properly developed and preserved, and the public may be assured adequate, complete, dependable and stable transportation service in all its phases.

Sec. 5. The first paragraph of Sec. 5, Ch. 166, SLA 1960, is amended to read:

Sec. 5. EXEMPT VEHICLES. The provisions of this Act shall apply to all vehicles unless specifically exempted by this section. The provisions of this Act, except where specifically otherwise provided, shall not apply to:

Sec. 6. Sec. 25, Ch. 166, SLA 1960, is amended to read:

Sec. 25. TARIFF SCHEDULES TO BE FILED. Every contract carrier authorized to transport commodities in bulk in dump type equipment shall keep open to public inspection, schedules showing the minimum rates, charges, and classifications for the transportation of property within the state.

Every common carrier shall file with the commission, and shall print and keep open to public inspection, schedules showing the rates, charges, and classifications for the transportation of property within the state between each point upon its route and all other points thereon; and between each point upon its route and all points upon every route leased, operated, or controlled by it; and between each point on its route or upon any route leased, operated, or controlled by it and all points upon the route of any other common carrier, whenever a through route and

1 joint rate has been established or ordered between any two
2 such points. If no joint rate over a through route has
3 been established, the several carriers in such through
4 route shall file, print, and keep open to the public
5 inspection, the separately established rates, charges, and
6 classifications, applied to the through transportation. The
7 schedules of contract and common carriers shall plainly
8 state the places between which property will be carried, and
9 shall also contain classifications of property in force,
10 and shall also state separately all terminal, storage, icing,
11 and all other charges which the commission may require to
12 be stated, all privileges or facilities allowed, and any
13 rules and regulations which may affect or determine any
14 part, or the aggregate of, the rates and charges, or the
15 value of the service rendered to the shipper or consignee.
16 The schedules shall be plainly printed in large type, and a
17 copy shall be kept by the carrier readily accessible to
18 and for inspection by the public in every station or office
19 where property is received for transportation, when the sta-
20 tion or office is in charge of an agent, and in every
21 station or office of the carrier where bills of lading or
22 receipts for property are issued. The schedules shall be
23 immediately produced by the carrier for inspection upon
24 the demand of any person. A notice printed in bold type
25 and stating that the schedules are on file with the agent
26 and open to inspection by any person and that the agent will
27 assist any person to determine therefrom any rates or rules
28 and regulations, shall be kept posted by the carrier in two
29 public and conspicuous places in every such station or office.

1 The form of schedules shall be prescribed by the commission
2 [COMMISSIONER] and shall conform as nearly as practicable to
3 the form of schedules required by the Interstate Commerce
4 Commission.
5 The commission may, from time to time, determine and
6 prescribe by order such changes in the form of schedules as
7 may be found expedient, and modify the requirements of this
8 section in respect to publishing, posting and filing of
9 schedules either in particular instances or by general rule
10 or order applicable to special or peculiar circumstances.
11 Sec. 7. Sec. 33, Ch. 166, SLA 1960, as amended by Ch. 121,
12 SLA 1961, is repealed and re-enacted to read:
13 Sec. 33. WEIGHT FEES. In addition to all other fees
14 to be paid by him, every "common carrier", "contract carrier",
15 and "private carrier", including those operating vehicles
16 not otherwise registered or licensed by the state, shall
17 pay each year for each motor truck or truck tractor owned
18 or operated by him on the public highways of the state,
19 based upon the actual maximum gross unladen weight thereof
20 as set by the carrier in his application for his regular
21 license plates or, in the case of vehicles not otherwise
22 licensed, as established by the manufacturer's advertised
23 weight, the following fees:
24 3,801 pounds but not over 12,000 pounds....$25.00
25 12,001 pounds and over.....$40.00
26 Weight fees on vehicles regularly licensed and registered
27 in the state shall be paid to the commissioner of revenue at
28 the same time that the regular annual license fee is paid.
29 Weight fees on vehicles not otherwise licensed in the state

shall be paid to the commission.

Sec. 8. Ch. 166, SLA 1960, is amended by adding a new Sec. 38A to read:

Sec. 38A. IDENTIFICATION OF VEHICLES. The commission shall establish rules and regulations requiring that each contract carrier, common carrier, and private carrier place sufficient and proper identification on each motor vehicle operated by such carriers. The required identification shall be sufficient to allow immediate determination of the carrier's name, address, and operating authority.

Sec. 9. Ch. 166, SLA 1960, is amended by adding a new Sec. 38B to read:

Sec. 38B. CREDIT REGULATION. Credit may be extended by common carriers and contract carriers. The commission shall establish rules and regulations for the proper control of credit, including time limitations on the extension of credit.

Sec. 10. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval, except that Sec. 7 of this Act takes effect on January 1, 1963.