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IN THE HOUSE

BY MESSRS. REED, CASHEL,
STRANDBERG, BINKLEY AND PRATT

HOUSE BILL NO. 418

IN THE LEGISLATURE OF THE STATE OF ALASKA
SECOND LEGISLATURE - SECOND SESSION

A BILL

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

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

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

(4) The term "public highway" means every street, road
or highway in this state, limited to those over which the
state exercises police authority, whether or not constructed
or maintained by the state.

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

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

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

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

1 or operated by him in good faith. The phrase "purely an
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. The
5 term "private carrier" also includes all persons who rent,
6 lease, or otherwise provide a motor vehicle for use of others
7 in transporting property, and who, in connection therewith, do
8 not provide, procure, or arrange for a driver or operator.

9 Sec. 4. Sec. 3, Ch. 166, SLA 1960, is amended to read:

10 Sec. 3. DECLARATION OF POLICY. The business of
11 operating as a motor carrier [OF FREIGHT] for compensation
12 or gain upon the highways of the State of Alaska is declared
13 to be a business affected with a public interest. The
14 sparsely settled area, the tremendous distances between small
15 and large centers of population, the difficult terrain and
16 the hazards of weather make imperative that an adequate and
17 dependable and available transportation service for the move-
18 ment of necessary and vital supplies and material be maintained.
19 That the shippers and receivers of freight or property in the
20 State of Alaska may be provided with a stabilized service and
21 rate structure; that sound economic conditions among such
22 carriers and which will guarantee such transportation may be
23 fostered in the public interest; that adequate, economical
24 and efficient service by motor carriers, and reasonable
25 charges therefor may be promoted without unjust discrimination,
26 undue preferences or advantages, or unfair or destructive
27 competitive practices; that the common carrier of commodities
28 by motor carrier may be preserved in the public interest;
29 that the relations between, and transportation by and

1 regulation of, motor carriers and other carriers may be
2 improved and coordinated so that the highways of the State
3 of Alaska may be properly developed and preserved, and the
4 public may be assured adequate, complete, dependable and
5 stable transportation service in all its phases.

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

8 Sec. 5. EXEMPT VEHICLES. The provisions of this Act
9 shall apply to all vehicles unless specifically exempted by
10 this section. The provisions of this Act, except where
11 specifically otherwise provided, shall not apply to vehicles
12 considered "special mobile equipment" as defined by Ch. 138,
13 SLA 1960 or to the following:

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

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

21 Every common carrier shall file with the commission, and
22 shall print and keep open to public inspection, schedules
23 showing the rates, charges, and classifications for the
24 transportation of property within the state between each point
25 upon its route and all other points thereon; and between each
26 point upon its route and all points upon every route leased,
27 operated, or controlled by it; and between each point on its
28 route or upon any route leased, operated, or controlled by it
29 and all points upon the route of any other common carrier,

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

1 schedules shall be prescribed by the commission [COMMISSIONER]
2 and shall conform as nearly as practicable to the form of
3 schedules required by the Interstate Commerce Commission.

4 The commission may, from time to time, determine and
5 prescribe by order such changes in the form of schedules as
6 may be found expedient, and modify the requirements of this
7 section in respect to publishing, posting and filing of
8 schedules either in particular instances or by general rule
9 or order applicable to special or peculiar circumstances.

10 Sec. 7. Sec. 33, Ch. 166, SLA 1960, as amended by Ch. 121,
11 SLA 1961, is repealed and re-enacted to read:

12 Sec. 33. WEIGHT FEES. In addition to all other fees
13 to be paid by him, every "common carrier", "contract carrier",
14 and "private carrier", including those operating vehicles
15 not otherwise registered or licensed by the state, shall pay
16 each year for each motor truck or truck tractor owned or
17 operated by him on the public highways of the state, based
18 upon the actual maximum gross unladen weight thereof as set
19 by the carrier in his application for his regular license
20 plates or, in the case of vehicles not otherwise licensed,
21 as established by the manufacturer's advertised weight, the
22 following fees:

- 23 3,801 pounds but not over 12,000 pounds....\$25.00
24 12,001 pounds and over.....\$40.00

25 Weight fees on vehicles regularly licensed and registered
26 in the state shall be paid to the commissioner of revenue at
27 the same time that the regular annual license fee is paid.
28 Weight fees on vehicles not otherwise licensed in the state
29 shall be paid to the commission.

1 Sec. 8. Ch. 166, SLA 1960, is amended by adding a new Sec.
2 38A to read:

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

11 Sec. 9. Ch. 166, SLA 1960, is amended by adding a new Sec.
12 38B to read:

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

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