

Introduced: 3/8/63  
Referred: Commerce

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1 IN THE HOUSE

2 HOUSE BILL NO. 200

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

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

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

10 \* Section 1. AS 42.10.420(2) (B) is amended to read:

11 (B) a person who leases, rents, or provides  
12 a motor vehicle for the use of another in transporting  
13 property, and who provides, procures, or arranges for,  
14 directly, indirectly, or by course of dealing, a driver  
15 or operator for the motor vehicle or the necessary  
16 authority for the use of it on a public highway, except  
17 when the motor vehicle is leased to an authorized com-  
18 mon carrier or contract carrier under rules and regula-  
19 tions to be prescribed by the commission;

20 \* Sec. 2. AS 42.10.420(7) is amended to read:

21 (7) "private carrier" is a person who, in his own  
22 vehicle, transports only property owned or being bought or  
23 sold by him in good faith when the transportation is an  
24 incidental adjunct to some other established primary private  
25 business, other than transportation, owned or operated by him  
26 in good faith, and also includes all persons who rent, lease,  
27 or otherwise provide a motor vehicle for use of others in  
28 transporting property, and who, in connection therewith, do  
29 not provide, procure, or arrange for, directly, indirectly,

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or by course of dealing, a driver or operator for the motor vehicle;

\* Sec. 3. AS 42.10.020 is amended to read:

Sec. 42.10.020. EXEMPT VEHICLES. This chapter shall apply to all vehicles unless specifically exempted by this section. This chapter, except when [WHERE] specifically otherwise provided, does not apply to

(1) motor vehicles operated exclusively in the transportation of United States mail or in the transportation of newspapers or periodicals;

(2) motor vehicles owned and operated by the United States, the state, or a borough, city, town, or municipality in the state or by a department of any of them, except when the vehicles are used to transport property of the general public for compensation in competition with other common carriers subject to the chapter and to the extent regulation of vehicles operated by the United States is permitted by the laws of the United States;

(3) motor vehicles not exceeding a total gross weight of 12,000 pounds, owned and operated by a rancher, farmer, or dairyman in the transportation of his own ranch, farm, or dairy products from the point of production to market or to the point of transportation to market, or of supplies, commodities, or equipment used on the ranch, farm, or dairy, and motor vehicles operating under this classification shall be identified as farm vehicles in accordance with regulations prescribed by the commissioner of revenue.

[(3) MOTOR VEHICLES OPERATED IN CONNECTION WITH A BUSINESS OR ACTIVITY IN WHICH THE TRANSPORTATION OF PROPERTY

1 IN COMPETITION WITH ESTABLISHED COMMON CARRIERS, CONTRACT  
2 CARRIERS, OR PRIVATE CARRIERS IS NOT A REGULAR OR FREQUENTLY  
3 RECURRING USE, AND IN WHICH THE COST OF TRANSPORTATION OF  
4 THE PROPERTY IS NOT INCLUDED IN A CHARGE OR FEE MADE FOR THE  
5 SERVICE GIVEN OR PRODUCTS SOLD BY THE BUSINESS OR ACTIVITY.]

6 \* Sec. 4. AS 42.10.280 is amended to read:

7 Sec. 42.10.280. TARIFF SCHEDULES TO BE FILED. (a) A  
8 contract carrier authorized to transport commodities in bulk  
9 in dump-type equipment shall file with the commission, and  
10 print and keep open to public inspection schedules showing  
11 the minimum rates, charges, and classifications for the  
12 transportation of property within the state.

13 (b) A common carrier shall file with the commission,  
14 and print and keep open to public inspection [,] schedules  
15 showing the rates, charges, and classifications for the  
16 transportation of property within the state between each  
17 point upon its route, and between each point upon its route  
18 and each point upon every route leased, operated or con-  
19 trolled by it, and between each point upon its route or upon  
20 any route leased, operated, or controlled by it and each  
21 point upon the route of a common carrier, whenever a through  
22 route and joint rate has been established or ordered between  
23 two such points. If no joint rate over a through route has  
24 been established, the carriers in a through route shall file,  
25 print, and keep open to the public inspection the separately  
26 established rates, charges, and classifications applied to  
27 the through transportation. The schedules of contract and  
28 common carriers shall plainly state the places between which  
29 property will be carried, and the schedules of common

1 carriers shall also contain classifications of property in  
2 force, and state separately all terminal, storage, icing,  
3 and other charges which the commission requires to be  
4 stated, all privileges or facilities allowed, and rules and  
5 regulations which affect or determine any part [,] or the  
6 aggregate of [,] the rates and charges, or the value of the  
7 service given to the shipper or consignee. The schedules  
8 shall be plainly printed in large type. The carrier shall  
9 keep a copy of each schedule readily accessible for inspec-  
10 tion by the public in every station or office where property  
11 is received for transportation, when the station or office is  
12 in charge of an agent, and in every station or office of the  
13 carrier where bills of lading or receipts for property are  
14 issued. The carrier shall produce a schedule for inspection  
15 upon the demand of any person. The carrier shall keep posted  
16 in two public and conspicuous places in each station in which  
17 a schedule is kept a notice printed in bold type which states  
18 that the schedules are on file with the agent and open to  
19 inspection by any person, and that the agent will assist the  
20 person to determine rates or rules and regulations. The  
21 commission [COMMISSIONER] shall prescribe the form of sched-  
22 ules. The form shall conform as nearly as practicable to the  
23 form of schedules required by the Interstate Commerce Com-  
24 mission.

25 [(B) THE COMMISSION MAY DETERMINE AND PRESCRIBE BY  
26 ORDER CHANGES IN THE FORM OF SCHEDULES AS MAY BE FOUND EX-  
27 PEDIENT, AND MODIFY THE REQUIREMENTS OF THIS SECTION IN RE-  
28 SPECT TO PUBLISHING, POSTING AND FILING SCHEDULES EITHER IN  
29 PARTICULAR INSTANCES OR BY GENERAL RULE OR ORDER APPLICABLE

TO SPECIAL OR PECULIAR CIRCUMSTANCES.]

\* Sec. 5. AS 42.10.240 is repealed and re-enacted to read:

Sec. 42.10.240. WEIGHT FEES. In addition to all other fees to be paid by him, every common carrier, contract carrier, and private carrier, including those operating vehicles not otherwise registered or licensed by the state, shall pay each year for each motor truck or truck tractor owned or operated by him on the public highways of the state, based upon the actual maximum gross unladen weight as set by the carrier in his application for his regular license plates or, in the case of vehicles not otherwise licensed, as established by the manufacturer's advertised weight, the following fees:

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|---|-------|
| 3,801 pounds but less than 12,000 pounds. . . . . | \$25. |
| 12,000 pounds and over . . . . .                  | 40.   |

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

\* Sec. 6. AS 42.10 is amended by adding a new section to read:

Sec. 42.10.113. IDENTIFICATION OF VEHICLES. The commission shall prescribe rules and regulations requiring that each contract carrier, common carrier, and private carrier place sufficient and proper identification on each motor vehicle operated by the carriers. The required identification shall be sufficient to allow immediate determination of the carrier's name, address, and operating authority.

\* Sec. 7. AS 42.10 is amended by adding a new section to read:

1                   Sec. 42.10.115. CREDIT REGULATION. Credit may be ex-  
2 tended by common carriers and contract carriers. The com-  
3 mission shall prescribe rules and regulations for the proper  
4 control of credit, including time limitations on the exten-  
5 sion of credit.

6 \* Sec. 8. AS 42.10.120(a) is amended to read:

7                   (a) The commission shall [MAY] administer and enforce  
8 all provisions of this chapter and may inspect the vehicles,  
9 books, and documents of motor carriers, and the books, docu-  
10 ments, and records of persons using the service of the  
11 carrier for the purpose of discovering discrimination, re-  
12 bates, and other information pertaining to this chapter.  
13 The commission shall prosecute violations of this chapter.

14 \* Sec. 9. AS 42.10.410 is amended to read:

15                   Sec. 42.10.410. PENALTIES. A person who knowingly and  
16 wilfully violates any provision of this chapter, or a rule,  
17 regulation, requirement, or order adopted under this chapter,  
18 or a term or condition of a permit is guilty of a misdemea-  
19 or, and, upon conviction, is punishable [FOR EACH OFFENSE]  
20 by a fine of not more than \$250 [\$500].

21 \* Sec. 10. This Act takes effect on the day after its passage  
22 and approval or on the day it becomes law without such approval,  
23 except that the commission shall continue to collect the appli-  
24 cable weight fees during calendar year 1963. After December 31,  
25 1963, weight fees shall be paid and collected in the manner  
26 prescribed in this Act.  
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