

Offered: 4/3/63
Referred: Rules

1 IN THE HOUSE BY THE COMMERCE COMMITTEE

2 CS FOR 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 42.10.020 is amended to read:

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

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

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

26 (3) motor vehicles not exceeding a total gross
27 weight of 12,000 pounds, owned and operated by a rancher,
28 farmer, or dairyman in the transportation of his own ranch,
29 farm, or dairy products from the point of production to mar-

1 ket or to the point of transportation to market, or of sup-
2 plies, commodities, or equipment used on his own ranch, farm,
3 or dairy, and motor vehicles operating under this classifi-
4 cation shall be identified as farm vehicles in accordance
5 with regulations prescribed by the commissioner of revenue.

6 [(3) MOTOR VEHICLES OPERATED IN CONNECTION WITH A
7 BUSINESS OR ACTIVITY IN WHICH THE TRANSPORTATION OF PROPERTY
8 IN COMPETITION WITH ESTABLISHED COMMON CARRIERS, CONTRACT
9 CARRIERS, OR PRIVATE CARRIERS IS NOT A REGULAR OR FREQUENTLY
10 RECURRING USE, AND IN WHICH THE COST OF TRANSPORTATION OF THE
11 PROPERTY IS NOT INCLUDED IN A CHARGE OR FEE MADE FOR THE
12 SERVICE GIVEN OR PRODUCTS SOLD BY THE BUSINESS OR ACTIVITY.]

13 * Sec. 2. AS 42.10.070 is amended to read:

14 Sec. 42.10.070. REGULATORY POWER OF COMMISSION OVER
15 COMMON CARRIERS. The commission [SHALL]

16 (1) shall supervise and regulate every common
17 carrier in the state;

18 (2) shall make, fix, alter, and amend just, fair,
19 and reasonable [, MINIMUM, MAXIMUM, OR MINIMUM AND MAXIMUM,
20 RATES, CHARGES,] classifications, rules, [AND] regulations,
21 and minimum rates and charges for all common carriers;

22 (3) shall regulate the accounts, service, and safety
23 of operations of every common carrier;

24 (4) may require every common carrier to file
25 reports and other data; and

26 (5) may supervise and regulate every common carrier
27 in all other matters affecting its relationship with competing
28 carriers, shipping, and the general public.

29 * Sec. 3. AS 42.10.080 is amended to read:

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(2)

1 Sec. 42.10.080. REGULATORY POWER OVER CONTRACT CARRIERS.

2 The commission [SHALL]

3 (1) shall supervise and regulate every contract
4 carrier in the state;

5 (2) shall make, fix, alter, and amend just, fair,
6 and reasonable classifications, rules, regulations, and
7 minimum rates and charges of each contract carrier;

8 (3) shall regulate the accounts, service, and safety
9 of operations of every contract carrier;

10 (4) may require every contract carrier to file
11 reports and other data; and

12 (5) may supervise and regulate every contract
13 carrier in all other matters affecting its relationship with
14 shipping and the general public.

15 * Sec. 4. AS 42.10 is amended by adding a new section to read:

16 Sec. 42.10.113. IDENTIFICATION OF VEHICLES. The com-
17 mission shall prescribe rules and regulations requiring that
18 each contract carrier, common carrier, and private carrier
19 place sufficient and proper identification on each motor
20 vehicle operated by the carriers. The required identification
21 shall be sufficient to allow immediate determination of the
22 carrier's name, address, operating authority, and permit
23 number.

24 * Sec. 5. AS 42.10 is amended by adding a new section to read:

25 Sec. 42.10.115. CREDIT REGULATION. Credit may be ex-
26 tended by common carriers and contract carriers. The com-
27 mission shall prescribe rules and regulations for the proper
28 control of credit, including time limitations on the exten-
29 sion of credit.

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

(a) The commission shall [MAY] administer and enforce all provisions of this chapter and may inspect the vehicles, books, and documents of motor carriers, and the books, documents, and records of persons using the service of the carrier for the purpose of discovering discrimination, rebates, and other information pertaining to this chapter. The commission shall prosecute violations of this chapter.

* Sec. 7. AS 42.10.240 is repealed and re-enacted to read:

Sec. 42.10.240. WEIGHT FEES. (a) 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:

less than 12,000 pounds	\$25
12,000 pounds and over but less than 18,000 pounds .	40
over 18,000 pounds	50

(b) 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.

(c) The commission shall publish regulations providing

1 for the exemption of all vehicles under 3 801 pounds maximum
2 gross unladen weight which are not used in the transportation
3 of goods as a common, contract, or private carrier.

4 * Sec. 8. AS 42.10.280 is amended to read:

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

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

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

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

29 * Sec. 9. AS 42.10.410 is amended to read:

1 Sec. 42.10.410. PENALTIES. A person who knowingly and
2 wilfully violates any provision of this chapter, or a rule,
3 regulation, requirement, or order adopted under this chapter,
4 or a term or condition of a permit is guilty of a misdemeanor
5 and, upon conviction, is punishable [FOR EACH OFFENSE] by a
6 fine of not more than \$250 [\$500].

7 * Sec. 10. AS 42.10.420(2)(B) is amended to read:

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

19 * Sec. 11. AS 42.10.420(7) is amended to read:

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

1 vehicle;

2 * Sec. 12. This Act takes effect on the day after its passage
3 and approval or on the day it becomes law without such approval,
4 except that the commission shall continue to collect the applica-
5 ble weight fees during calendar year 1963. After December 31, 1963,
6 weight fees shall be paid and collected in the manner prescribed in
7 this Act.

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