

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 alone or in conjunction with an
18 express service delivering packages not to exceed 100 pounds
19 to any one receiver;

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

28 (3) motor vehicles not exceeding a total gross
29 weight of 12,000 pounds, owned and operated by a rancher,

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by the Senate

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1 farmer, or dairyman in the transportation of his own ranch,
2 farm, or dairy products from the point of production to
3 market or to the point of transportation to market, or of
4 supplies, commodities, or equipment used on his own ranch,
5 farm, or dairy, and motor vehicles operating under this
6 classification shall be identified as farm vehicles in
7 accordance with regulations prescribed by the commissioner of
8 revenue.

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

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

17 Sec. 42.10.070. REGULATORY POWER OF COMMISSION OVER
18 COMMON CARRIERS. The commission [SHALL]

19 (1) shall supervise and regulate every common
20 carrier in the state;

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

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

28 (4) may require every common carrier to file
29 reports and other data; and

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

4 * Sec. 3. AS 42.10 is amended by adding a new section to read:

5 Sec. 42.10.113. IDENTIFICATION OF VEHICLES. The
6 commission shall prescribe rules and regulations requiring
7 that each contract carrier, common carrier, and private
8 carrier place sufficient and proper identification on each
9 motor vehicle operated by the carriers. The required identi-
10 fication shall be sufficient to allow immediate determination
11 of the carrier's name, address, operating authority, and
12 permit number.

13 * Sec. 4. AS 42.10.120(a) is amended to read:

14 (a) The commission shall [MAY] administer and enforce
15 all provisions of this chapter and may inspect the vehicles,
16 books, and documents of motor carriers, and the books, docu-
17 ments, and records of persons using the service of the
18 carrier for the purpose of discovering discrimination, rebates,
19 and other information pertaining to this chapter.

20 The commission shall prosecute violations of this chapter.

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

22 Sec. 42.10.240. WEIGHT FEES. (a) In addition to all
23 other fees to be paid by him, every common carrier, contract
24 carrier, and private carrier, including those operating
25 vehicles not otherwise registered or licensed by the state,
26 shall pay each year for each motor truck or truck tractor
27 owned or operated by him on the public highways of the state,
28 based upon the actual maximum gross unladen weight as set
29 by the carrier in his application for his regular license

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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 for the exemption of all vehicles under 5,000 pounds maximum gross unladen weight which are not used in the transportation of goods as a common, contract, or private carrier.

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

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

(b) A common carrier shall file with the commission, and 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 between each point upon its route and each point upon every route leased, operated, or controlled by it, and between each point upon its route or upon

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

1 person to determine rates or rules and regulations. The
2 commission [COMMISSIONER] shall prescribe the form of
3 schedules. The form shall conform as nearly as practicable
4 to the form of schedules required by the Interstate Commerce
5 Commission.

6 [(B) THE COMMISSION MAY DETERMINE AND PRESCRIBE BY
7 ORDER CHANGES IN THE FORM OF SCHEDULES AS MAY BE FOUND
8 EXPEDIENT, AND MODIFY THE REQUIREMENTS OF THIS SECTION IN
9 RESPECT TO PUBLISHING, POSTING AND FILING SCHEDULES EITHER IN
10 PARTICULAR INSTANCES OR BY GENERAL RULE OR ORDER APPLICABLE
11 TO SPECIAL OR PECULIAR CIRCUMSTANCES.]

12 * Sec. 7. AS 42.10.410 is amended to read:

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

19 * Sec. 8. AS 42.10.420(2)(B) is amended to read:

20 (B) a person who leases, rents, or provides a
21 motor vehicle for the use of another in transporting
22 property, and who provides, procures, or arranges for,
23 directly or indirectly, or by course of dealing, a driver
24 or operator for the motor vehicle or the necessary
25 authority for the use of it on a public highway, except
26 when the motor vehicle is leased to an authorized
27 common carrier or contract carrier under rules and
28 regulations to be prescribed by the commission.
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1 * Sec. 9. AS 42.10.420(7) is amended to read:

2 (7) "private carrier" is a person who, in his own
3 vehicle, transports only property owned or being bought or
4 sold by him in good faith when the transportation is an
5 incidental adjunct to some other established primary private
6 business, other than transportation, owned or operated by him
7 in good faith, and also includes all persons who rent, lease,
8 or otherwise provide a motor vehicle for use of others in
9 transporting property, and who, in connection therewith, do
10 not provide, procure, or arrange for, directly, indirectly,
11 or by course of dealing, a driver or operator for the motor
12 vehicle;

13 * Sec. 10. This Act takes effect on the day after its passage
14 and approval or on the day it becomes law without such approval,
15 except that the commission shall continue to collect the applica-
16 ble weight fees during calendar year 1963. After December 31,1963,
17 weight fees shall be paid and collected in the manner prescribed
18 in this Act.

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