

Introduced: 2/19/65
Referred: Commerce
and Judiciary

1 IN THE HOUSE

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 150

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of
7 common carriage by water and providing an
8 effective date."

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

10 * Section 1. AS 30 is amended by adding a new chapter to read:

11 CHAPTER 10. ALASKA WATER CARRIER ACT

12 Sec. 30.10.010. ESTABLISHMENT OF REASONABLE RATES.

13 Every common carrier by water between ports in the state
14 shall establish, observe, and enforce just and reasonable
15 rates, fares, charges, classifications, and tariffs, and
16 establish, observe and enforce just and reasonable regula-
17 tions and practices relating to them and to the issuance,
18 form and substance of tickets, receipts and bills of lading,
19 the manner and method of presenting, marking, packing, and
20 delivering property for transportation, the carrying of per-
21 sonal, sample, and excess baggage, the facilities for trans-
22 portation, and all other matter relating to or connected with
23 transportation of passengers or receiving, handling, trans-
24 porting, storing, or delivery of property.

25 Sec. 30.10.020. FILING OF RATES. Every common carrier
26 by water shall file with the Public Service Commission and
27 keep open to public inspection, in the form and manner and
28 within the time prescribed by the commission, the rates,
29 fares, and charges for and in connection with transportation

1 between points on its own route; and if a through route has
2 been established, the rates, fares, and charges for or in
3 connection with transportation between points on its own
4 route and points on the route of any other carrier by water.

5 Sec. 30.10.030. DEVIATION FROM RATES PROHIBITED. No
6 common carrier by water shall demand, charge, or collect a
7 greater compensation for transportation than the rates, fares,
8 and charges filed in compliance with this chapter. Increases
9 in rates, fare, and charges may be made if approved by the
10 commission, after thirty days' public notice in the forms and
11 manner prescribed by the commission, stating the increase
12 proposed to be made. The commission for good cause shown may
13 waive such notice.

14 Sec. 30.10.040. DISCRIMINATORY ACTS PROHIBITED. (a)
15 It shall be unlawful for any shipper, consignor, consignee,
16 forwarder, broker, or other person, or any officer, agent, or
17 employer thereof, knowingly and willfully, directly or in-
18 directly by means of false billing, false classification,
19 false weighing, false report of weight, rebating, deferred
20 rebating, or by any other unjust or unfair device or means to
21 obtain or attempt to obtain transportation by water of prop-
22 erty at less than the rates or charges which would otherwise
23 be applicable.

24 (b) It shall be unlawful for any common carrier by
25 water, directly or indirectly:

26 (1) to make or give any undue or unreasonable pre-
27 ference or advantage to any person, locality, or description
28 of traffic in any respect whatsoever, or to subject any per-
29 son, locality or description of traffic to any undue or

1 unreasonable prejudice or disadvantage in any respect
2 whatsoever;

3 (2) to allow any person to obtain transportation
4 for property or passengers at less than the regular rates or
5 charges then established and enforced by the carrier by means
6 of false billing, false classification, false weighing, false
7 report of weight, rebating, deferred rebating, or by any
8 other unjust or unfair device or means.

9 (c) Whoever violates any provisions of this section
10 shall be subject to a penalty of not more than \$500 for each
11 violation, to be recovered by the attorney general in a civil
12 action.

13 Sec. 30.10.050. POWER TO PRESCRIBE RATES AND PRACTICES
14 OF WATER CARRIERS. Whenever, after notice and hearing, upon
15 complaint or upon its own initiative, the commission is of
16 the opinion that any individual or joint rate, fare or charge
17 demanded, charged, collected, or received by any common
18 carrier by water, or any classification, rule, regulation, or
19 practice affecting such rate, fare, or charge, or the value
20 of the service thereunder is or will be unjust or unreason-
21 able, or unjustly discriminatory, or unduly preferential, or
22 unduly prejudicial, the commission shall determine and pre-
23 scribe the lawful rate, fare, or charge thereafter to be
24 demanded, charged, collected, or received, or the lawful
25 classification, rule, regulation, or practice thereafter to
26 be made effective.

27 Sec. 30.10.060. PRODUCTION OF BOOKS AND RECORDS. The
28 commission may by order or subpoena require a common carrier
29 by water to produce original or verified copies of its books,

1 accounts, papers, records or other material pertinent to any
2 proceeding under this chapter.

3 Sec. 30.10.070. HEARINGS. (a) Hearings shall be
4 initiated

5 (1) by the commission upon issuance of an order
6 of hearing or

7 (2) by service of a complaint or protest by an
8 interested party on the commission and the public utility
9 involved.

10 (b) Hearings shall be conducted pursuant to secs.
11 44.62.410 - 480 of the Alaska Administrative Procedure Act.

12 Sec. 30.10.080. REPORTS. The commission shall make
13 reports in writing on all proceedings under this chapter in
14 which hearings are held. Each report shall state the com-
15 mission's findings and conclusions together with its decision
16 and order. The recommended decision of a hearing officer may
17 be adopted as the report of the commission. All reports
18 shall be entered of record and copies shall be furnished to
19 all the parties to the proceeding.

20 Sec. 30.10.090. REVIEW. All rules, regulations, and
21 final orders of the commission are subject to judicial review
22 in accordance with the Alaska Administrative Procedure Act,
23 AS 44.62.

24 Sec. 30.10.100. GENERAL POWERS. The commission is em-
25 powered to perform such acts, to conduct such investigations,
26 to issue, amend and rescind orders, and to make, amend, and
27 rescind such general or special rules, regulations and pro-
28 cedure, pursuant to and consistent with the provisions of
29 this chapter and secs. 44.62.010 - 320 of the Alaska

1 Administrative Procedure Act, as it shall deem necessary to
2 carry out the provisions of, and to exercise and perform its
3 powers and duties under, this chapter.

4 Sec. 30.10.110. LIMITATION. This chapter shall apply
5 only to those rates, fares, and charges relating to Alaskan
6 interport transportation of passengers and cargo and shall
7 not extend to those rates, fares, and charges regulated by
8 a federal agency.

9 ARTICLE 2. GENERAL PROVISIONS

10 Sec. 30.10.120. DEFINITIONS.

11 (a) "commission" means the Public Service Commission.

12 (b) "common carrier by water" means a common carrier
13 engaged in the transportation by water of passengers or pro-
14 perty on regular routes from port to port within Alaska and
15 does not include a contract carrier or a ferry.

16 * Sec. 2. This Act takes effect on July 1, 1965.

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