

Inroduced: 3/9/68
Referred: Commerce and
Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 678

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to carriers; and providing for an
7 effective date."

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

9 * Section 1. AS 42.10.160 is amended to read:

10 Sec. 42.10.160. FEES. At the time of application, the applicant
11 shall pay the fees prescribed as follows:

12 Application for permit. \$50

13 Application for temporary permit. 50 [25]

14 Application for extension of permit 50 [25]

15 * Sec. 2. AS 42.10.220 is amended to read:

16 Sec. 42.10.220. TRANSFER OF PERMITS. (a) No permit issued under
17 this chapter may be transferred without prior approval of the commission
18 [IS IRREVOCABLE. A PERMIT MAY NOT BE TRANSFERRED OR ASSIGNED EXEPT
19 UPON A SHOWING THAT PROPERTY RIGHTS MAY BE AFFECTED]. The transfer
20 [OR ASSIGNMENT] of a permit is in the discretion of the commission.
21 The fee for the transfer [OR ASSIGNMENT] of a permit is \$50 [\$25].

22 (b) A carrier who ceases operation or [AND] abandons his rights
23 under a permit shall notify the commission in writing within 30 days
24 of cessation or abandonment.

25 (c) When a carrier has ceased operation or abandoned his rights
26 under a permit, the commission shall immediately suspend the authority
27 contained in the permit for a period of 180 days. Should the carrier
28 fail to reinstitute service within the 180-day period, the commission
29 may institute action for revocation of the permit.

1 * Sec. 3. AS 42.10.230 is repealed and re-enacted to read:

2 Sec. 42.10.230. CANCELLATION OF PERMITS. (a) No permit issued
3 under this chapter is irrevocable. The commission may alter, amend,
4 cancel, suspend or revoke a permit after opportunity has been given
5 for a hearing as set out in (b) of this section. When the permittee
6 or his agent has violated this chapter, the rules and regulations, or
7 an order of the commission or the motor laws of this state or of the
8 United States, or the permittee has made unlawful rebates, or has not
9 conducted his operation in accordance with his permit the commission
10 shall have the authority to hold hearings pursuant to cancelling
11 these permits in accordance with (b) of this section. The commission
12 may bring an action to enjoin a violation of this chapter, or an order,
13 rule or regulation of the commission.

14 (b) Notwithstanding other provisions in this chapter the
15 commission shall hold a hearing at the request of a permittee where action
16 has been initiated to cancel an existing permit. In an action to cancel
17 a permit the commission shall, 30 days before the date set for hearing,
18 serve notice of the hearing on the permittee. This shall be accomplished
19 by mailing by registered mail, return receipt requested, a copy of the
20 hearing notice to the permittee at his last known business address.
21 The permittee must within 10 days of the date set for hearing, file
22 an answer stating that he will attend the hearing and show cause why
23 his permit should not be cancelled. On failure of the permittee to
24 file a timely answer the commission shall cancel the permit in ques-
25 tion. If the permittee files a timely answer but either fails to
26 appear on the date set for hearing or fails, at the hearing, to show
27 cause why his permit should not be cancelled, the commission shall
28 cancel the permit in question.

29 * Sec. 4. AS 42.10.240(a) is amended to read:

1 (a) In addition to all other fees to be paid by him, every
 2 common carrier, [AND] contract carrier, and private carrier and every
 3 vehicle leasing agency that rents or leases vehicles to common, con-
 4 tract, or private carriers, including those operating vehicles not
 5 otherwise registered or licensed by the state, shall pay each year for
 6 each motor vehicle, including a wrecker, tow car, hearse, ambulance,
 7 truck or truck tractor owned or operated by him under lease or rental
 8 arrangement, provided the current required fee has not previously been
 9 paid [ON THE PUBLIC HIGHWAYS OF THE STATE], based upon the actual
 10 maximum gross unladen weight as set by the carrier in his application
 11 for his regular license plates, or in the case of vehicles not other-
 12 wise licensed, as established by the manufacturer's advertised weight,
 13 the following fees:

14 (1) common carriers, contract carriers, or truck
 15 rental agencies vehicles weighing over 0 but not over
 16 12,000 pounds. \$35
 17 Over 12,000 but not over 18,000 pounds 50
 18 Over 18,000 pounds 75

19 (2) private carriers weighing over 6,000 pounds
 20 but not over 12,000 pounds 17.50
 21 over 12,000 but not over 18,000 pounds 25
 22 over 18,000 pounds 37.50

23 [4,001 POUNDS BUT NOT OVER 12,000 POUNDS
 24 12,000 POUNDS. \$25
 25 12,001 POUNDS BUT NOT OVER
 26 18,000 POUNDS 40
 27 18,001 POUNDS AND OVER. 50]

28 * Sec. 5. AS 42.10.270(b) is amended to read:

29 (b) No private carrier may transport the property of others for

1 compensation nor perform any service beyond that specified in the
2 definition of "private carrier" in this chapter.

3 * Sec. 6. AS 42.10.280(a) is amended to read:

4 (a) A contract carrier authorized to transport commodities in
5 bulk in dump-type equipment shall file with the commission, and print
6 and keep open to public inspection, schedules showing the minimum
7 [OR MAXIMUM] rates, charges, and classifications for the transportation
8 of property within the state.

9 * Sec. 7. AS 42.10.310 is repealed and re-enacted to read:

10 Sec. 42.10.310. TARIFF RATES TO BE CHARGED. (a) No common
11 carrier may collect or receive remuneration for the transportation of
12 property or a service in connection with the transportation of property
13 which is different from the rates and charges published in its tariff
14 and filed with the commission and in effect at that time.

15 (b) No contract carrier of commodities in bulk in dump type
16 equipment may collect or receive remuneration for the transportation of
17 property or a service in connection with the transportation of property
18 which is less than the rates and charges established in its tariff
19 and filed with the commission and in effect at that time.

20 (c) Contract carriers other than contract carriers of commodities
21 in bulk in dump-type equipment, may not enter into contracts that pro-
22 vide rates or charges for transportation of property or services in
23 connection with transportation which are less than the rates and charges
24 established in the tariffs of common carriers for like transportation or
25 services between the same points or within the same area, unless other-
26 wise authorized by order of the commission.

27 (d) Each contract carrier shall file with the commission copies
28 of his contract, immediately upon the making of the contract, including
29 the rates, fares, charges and practices called for or contemplated in the

1 performance of the contract for review, revision, approval or modifica-
2 tion by the commission as to rates, fares, charges and practices. No
3 contract carrier may enter upon the performance of a contract contem-
4 plated by this section until approval of the contract has been given by
5 the commission.

6 (e) A common carrier or contract carrier may not refund or remit,
7 in any manner or by any device, a portion of the rates or charges
8 specified except upon order of the commission, and may not extend
9 privileges or facilities in the transportation of property to a person
10 except those regularly and uniformly extended to all persons under the
11 same circumstances.

12 (f) The commission may examine the records of carriers operating
13 under this chapter and of persons employing the services of a carrier
14 for the purpose of discovering discrimination, undercharges, or over-
15 charges and rebates. The commission may suspend or revoke a permit
16 for a violation of this section.

17 * Sec. 8. AS 42.10.350(b) is repealed and re-enacted to read:

18 (b) Except as otherwise specifically excluded by law, commis-
19 sion rules, or by order of the commission, every common and contract
20 carrier shall, before their being put into effect, file with the com-
21 mission copies of every contract, agreement or other arrangement affect-
22 ing the transportation of property or a service in connection with the
23 transportation of property made or entered into by the carrier with
24 another motor carrier, transportation company or other person doing
25 business with the carrier.

26 * Sec. 9. AS 42.10.360 is repealed.

27 * Sec. 10. AS 42.10.420(2) is repealed and re-enacted to read:

28 (2) "common carrier" includes any motor vehicle operator who
29 transports property for hire, as defined in (10) of this section, or

1 who holds himself out to the public as being willing to transport for
2 hire, compensation or other consideration, property for those who may
3 choose to employ his services; "common carrier" also includes persons
4 engaged in the business of providing, contracting for, or undertaking
5 to provide transportation of property for compensation over the
6 public highways of the state as brokers or forwarders;

7 * Sec. 11. AS 42.10.420(3) is repealed and re-enacted to read:

8 (3) "contract carrier" includes all motor vehicle operators
9 who transport property for hire, as defined in (10) of this section,
10 under special and individual continuing agreements or contracts with
11 individual shippers and not includable under the terms "common carrier"
12 or "private carrier"; "contract carrier" also includes operators
13 transporting dry commodities in bulk in dump-type equipment, as well
14 as persons engaged in the business of providing, contracting for, or
15 undertaking to provide transportation of property for compensation
16 over the public highways of the state as brokers or forwarders; the
17 term "continuing agreements or contracts" shall be understood to be
18 those running for a period of not less than 30 days;

19 * Sec. 12. AS 42.10.420(7) is repealed and re-enacted to read:

20 (7) "private carrier" is a person who

21 (A) in his own vehicle, transports only property owned
22 by him or being bought or sold by him in good faith when the
23 transportation is only incidental to the furtherance of some
24 other established private business other than transportation; the
25 act of taking title to goods during their transportation does not
26 qualify an operator as a private carrier unless the taking of
27 title is an integral part of an established primary business other
28 than transportation; the term "incidental" shall be understood
29 as meaning not to exceed 20 per cent of the total investment in

1 facilities or properties or total cost of operations and any
2 revenues earned from private carriage shall not exceed 20 per cent
3 of the total income;

4 (B) as a regular business, rents, leases or otherwise
5 provides motor vehicles for the use of others and who does not
6 provide, procure or arrange for, either directly or indirectly,
7 a driver or operator for the motor vehicle;

8 * Sec. 13. AS 42.10.420(8) is amended to read:

9 (8) "public highway" means every street, road or highway
10 in this state whether privately, state, municipally or federally
11 maintained, not closed to the general public, in a state of construc-
12 tion, reconstruction or completion;

13 * Sec. 14. AS 42.10.420 is amended by adding new subsections to read:

14 (10) "carrier for hire" includes a person who leases,
15 rents or otherwise provides a motor vehicle for the transportation
16 of property of others, for compensation or consideration, over
17 the public highways of this state, whether the routing and scheduling
18 is regular or irregular; one who provides, procures or arranges for,
19 either directly or indirectly, a driver or operator of a motor vehicle
20 shall also be considered a carrier for hire; "carrier for hire" also
21 includes the use of motor vehicles of other carriers by water, rail
22 and express or forwarding companies.

23 (11) "person" means an individual, firm, partnership,
24 corporation, company or association or the assignees, vendees, lessees,
25 trustees or receivers of any of them.

26 * Sec. 15. Sec. 4 of this Act takes effect January 1, 1969. Secs. 1 - 3
27 and 5 - 14 of this Act take effect on the day after their passage and approv-
28 al or on the day they become law without approval.