

HCS

Introduced: 3/17/69
Referred: Commerce and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 267

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act regulating carriers by bus in Alaska; and
7 providing for an effective date."

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

9 * Section 1. AS 42.15 is repealed and re-enacted to read:

10 ARTICLE 1. SCOPE AND APPLICATION.

11 Sec. 42.15.011. DECLARATION OF POLICY. The business of operating
12 as a carrier by bus for compensation or gain upon the public highways
13 is a business affected with the public interest. It is the purpose
14 of this chapter to provide passengers, shippers and receivers of express
15 in the state with a stabilized service and rate structure; to foster
16 sound economic conditions among the carriers which will guarantee trans-
17 portation in the public interest; to promote adequate, economical, and
18 efficient service by motor carriers and reasonable charges, without un-
19 just discrimination, undue preferences or advantages, or unfair competi-
20 tive practices; to improve and coordinate the relations among and trans-
21 portation by and regulation of common carriers by bus and other carriers
22 in order that the highways of the state may be properly developed and
23 preserved and the public assured of adequate, complete, dependable and
24 stable transportation service in all its phases; and to promote, require
25 and enforce safe conditions and practices in the public interest.

26 Sec. 42.15.021. DEFINITIONS. In this chapter, unless the context
27 indicates otherwise

28 (1) "bus" or "motor bus" means any self-propelled vehicle
29 or other device used in connection therewith operated upon the public

1 highways, used for the transportation of passengers;

2 (2) "carrier by bus" means any person who, for compensation
3 or other benefit transports, or provides a bus for the transport of
4 passenger over the public highways of the state and who provides, pro-
5 cures or arranges, directly, indirectly or through course of dealing, a
6 driver or operator for such bus;

7 (3) "charter" means the exclusive use of a bus by a person
8 who, under a single contract, and for a fixed charge for the bus,
9 travel to a specified destination, or over a particular itinerary,
10 either agreed upon in advance or modified by the contracting parties
11 after having left the place of origin;

12 (4) "commission" means the Alaska Transportation Commission;

13 (5) "common carrier" means a carrier by bus which holds
14 itself out to the public as willing to undertake, for compensation, to
15 transport passengers by motor bus upon the public highways;

16 (6) "contract carrier" means a carrier by bus which renders
17 bus services under contract, other than charter, not less than 10 days
18 in duration and not competing with services offered by common carriers;

19 (7) "private carrier" means a carrier by bus which in its
20 own bus, transports passengers, not in competition with a common carrier
21 in good faith, when the transportation is only incidental to the further-
22 ance of some primary private business other than transportation;

23 (8) "public highway" means every street, road or highway
24 in this state, accessible for use by the general public, whether in a
25 state of construction, reconstruction or completed;

26 (9) "rate" includes every rate, toll, fare, rental charge,
27 or other form of compensation demanded, observed, charged or collected
28 by a carrier for its services;

29 (10) "school bus" means any bus properly identified as a

1 school bus and used exclusively in conveying students to and from
2 schools;

3 (11) "express shipment" means a quantity of express
4 tendered at one time and one place by one shipper consigned to one
5 consignee at one destination and delivered to one place. This defini-
6 tion shall not be construed as prohibiting the carrier from picking
7 up or delivering portions contained in the receipt or bill of lading
8 if a reasonable charge is made for the service and the charge is
9 published in the carrier's tariff;

10 (12) "taxicab" means a motor driven passenger vehicle
11 having a seating capacity of not more than seven persons including
12 driver, which is offered for public hire on a time or distance basis
13 and which is not operated on a predetermined schedule or over fixed
14 routes.

15 Sec. 42.15.031. EXEMPT VEHICLES. This chapter, except when
16 otherwise provided, does not apply to

17 (1) busses owned and operated by the United States, the
18 state, or a borough or city in the state; provided however, that such
19 busses shall be subject to this chapter to the extent permitted by the
20 laws of the United States when used to transport for compensation
21 passengers, their baggage, and express in competition with common
22 carriers subject to this chapter;

23 (2) school busses;

24 (3) vehicles used exclusively in the regular business of
25 contract carriers by bus or private carriers by bus;

26 (4) taxicabs.

27 (5) vehicles used solely within units of local government,
28 if regulated by the local government.

29 ARTICLE 2. REGULATION BY COMMISSION.

1 Sec. 42.15.041. REGULATION OF COMMON CARRIERS. The commission

2 (1) shall supervise and regulate common carriers in the
3 state;

4 (2) may investigate, upon complaint or upon its own
5 initiative, common carrier classifications, rules, regulations,
6 practices and rates, and hold public hearings thereon;

7 (3) may make, fix, alter and amend just, fair and reasonable
8 classifications, rules, regulations, practices and rates of common
9 carriers;

10 (4) shall prescribe and regulate the accounts, service and
11 safety of operations of common carriers;

12 (5) may require common carriers to file reports and other
13 information and data.

14 Sec. 42.10.051. REGULATION OF CONTRACT AND PRIVATE CARRIERS. (a)
15 The commission shall supervise and regulate every contract and private
16 carrier in the state

17 (1) as to safety of its operations;

18 (2) in all other matters affecting its relationship with
19 other carriers, shipping, transportation, and the general public and
20 in so doing may require commission approval of all contracts for fur-
21 nishing transportation before such contracts may become effective.

22 (b) The commission may require a contract or private carrier
23 to file reports and other information and data.

24 Sec. 42.15.061. INVESTIGATIONS AND INSPECTIONS. The commission
25 may inspect the vehicles, books, and documents of all carriers by bus
26 for the purpose of discovering discrimination, rebates, and other in-
27 formation pertaining to this chapter.

28 Sec. 42.15.071. NOTICES, ORDERS, AND SERVICE OF PROCESS. (a)

29 Each common and contract carrier shall file with the commission a

1 designation in writing of the name and address of an agent upon whom
2 notices or orders may be served under this chapter. The designation
3 may be changed by writing similarly filed.

4 (b) No order based upon a finding that a carrier by bus has
5 violated a provision of this chapter may be made by the commission
6 except after hearing upon complaint or after an investigation upon
7 its own initiative.

8 (c) Except as provided in this chapter orders of the commission
9 shall continue in force for the period specified in the order, or until
10 the order is suspended, rescinded, modified, or set aside by the com-
11 mission or a court.

12 (d) Orders of the commission may take effect in less than 30
13 days provided the commission finds and so states in the order that
14 such shorter time is required by the public health, safety or welfare.

15 (e) Each carrier by bus, its officers, agents and employees shall
16 observe and comply with the rules, regulations and orders of the
17 commission.

18 ARTICLE 3. CERTIFICATE OF PUBLIC
19 CONVENIENCE AND NECESSITY.

20 Sec. 42.15.081. CERTIFICATE REQUIRED. (a) Except as otherwise
21 provided in this chapter, no common carrier may transport passengers,
22 their baggage, or express in the State of Alaska without first obtain-
23 ing from the commission a certificate of public convenience and
24 necessity.

25 (b) The commission shall issue a certificate to a qualified ap-
26 plicant authorizing the whole or part of the operations covered by
27 the application, if the commission finds that the applicant is fit,
28 willing and able properly to perform the service proposed and to
29 conform to the provisions of this chapter and the requirements, rules,

1 and regulations of the commission under this chapter, and that the
2 proposed service, to the extent authorized by the certificate, is or
3 will be required by the present or future public convenience and
4 necessity.

5 (c) The certificate shall specify the area or routes over which,
6 or the points to and from which, the carrier is authorized to operate.
7 At the time of issuance and from time to time thereafter there shall
8 be attached to the exercise of the privileges granted by the certifi-
9 cate reasonable terms, conditions, and limitations as the public con-
10 venience and necessity may require; or which may be necessary to carry
11 out the requirements of this chapter or those established by the com-
12 mission under this chapter. The terms, conditions, or limitations may
13 not restrict the right of the carrier to add to its equipment, faci-
14 lities, or service within the scope of the certificate, as the develop-
15 ment of the business and the demands of the public require.

16 (d) Upon approval, routes, except for a temporary period of time
17 due to emergency or disaster, may not be changed except upon petition
18 to the commission and subsequent authorization by the commission and
19 with the concurrence of the city council for those portions within
20 an incorporated city.

21 (e) A certificate issued under this chapter does not confer a
22 proprietary or exclusive right in the use of a public highway.

23 (f) A right, privilege, franchise, or certificate held, owned, or
24 obtained by a common carrier may be sold, leased or transferred upon
25 authorisation by the commission.

26 (g) The certificate required by this section shall be prominently
27 displayed at all times in the carrier's principal place of business.

28 (h) No certificate shall be required under this section for the
29 transport of passengers, their baggage or express under a franchise or

1 permit granted by a municipality if the transportation is from one
2 point within the municipality to another point within the municipality
3 only, or to municipal property outside municipal limits only.

4 Sec. 42.15.091. APPLICATIONS; FILING FEE. (a) Application for
5 certificate, temporary or otherwise, or for transfer, lease, modifi-
6 cation, consolidation, merger, or contract to operate the properties
7 of one or more carriers shall be made to the commission in writing on
8 forms prescribed and furnished by the commission. The application
9 shall state the ownership, control, affiliation with other carriers,
10 financial condition, equipment to be used and physical property of the
11 applicant, the territory in or route over which the applicant proposes
12 to operate, the nature of the transportation to be engaged in and other
13 information as the commission requires.

14 (b) When the applicant is a corporation, it shall also state the
15 affiliation of its officers, directors, five major stockholders, or
16 any of them with any other carrier.

17 (c) Each application for certificate, transfer, lease, modifi-
18 cation, consolidation, merger or contract to operate the properties
19 of one or more carriers shall be accompanied by a fee of \$50.

20 Sec. 42.15.101. TRANSFER. (a) Transfer of a certificate may be
21 granted at the discretion of the commission. Commission approval is
22 required in any of the following instances:

23 (1) transfer from one business entity to another business
24 entity, be it a sole proprietorship, partnership, corporation, joint
25 venture, or any other authorized form of doing business;

26 (2) merger;

27 (3) consolidation;

28 (4) acquisition by one or more persons of a controlling
29 interest in a carrier firm, by purchase, by acquisition of stock, or

1 by any other means.

2 (b) Only those rights which are shown to have been in active and
3 regular use may be transferred. The transferor shall certify to the
4 commission that the authority contained in the certificate has been
5 in reasonably continuous and active use as to the territory or routes
6 authorized to be served, and as to the various services authorized to
7 be rendered by the carrier. The commission may require documentary
8 evidence in support of the certification. Dormant operating rights
9 of the transferor will not be transferred unless the commission finds
10 that the service is needed for the public convenience and necessity,
11 and that the transferee will provide such service.

12 (c) Applications for transfer shall not be granted until

13 (1) all unpaid claims for loss or damage arising out of
14 the carrier's operations have been paid or until such claims have been
15 secured by the transferor's insurance carrier, or by satisfactory
16 bond, or after settlement approved by the commission as satisfactory
17 for the protection of all claimants, and

18 (2) all monies due shippers or other parties entitled to
19 receive the same for shipments performed on a C.O.D. basis have been paid.

20 Sec. 42.15.111. BURDEN OF PROOF ON APPLICANTS. (a) Each ap-
21 plicant for new authority, or in case of a transfer, the transferee,
22 has the burden of proof to establish that the proposed operation
23 satisfies the requirements of this chapter and he must prove that he

24 (1) is financially able to carry on the proposed operation;

25 (2) has adequate equipment, motor busses, and other
26 necessary real and personal property to conduct the proposed operation,
27 or has made suitable provisions therefor;

28 (3) has sufficient knowledge of this chapter and related
29 regulations to conduct the proposed operation properly;

1 (4) will supply a service that will not unreasonably con-
2 gress the public highways or unreasonably endanger the stability and
3 dependability of the common carrier transportation to the public needs,
4 and is in the public interest.

5 (b) Except as provided in sec. 101(b) of this chapter, appli-
6 cants for transfer need not make a showing of public convenience and
7 necessity, and the provisions of (a)(4) of this section are not appli-
8 cable to a transferee.

9 Sec. 42.15.121. LIMITATION OF RENEWAL OF APPLICATION. A person
10 whose application for a certificate is denied is not eligible to renew
11 the application for a period of six months from the date of the order
12 denying the application, except as otherwise may be authorized by the
13 commission for good cause shown.

14 Sec. 42.15.131. TEMPORARY OPERATIONS. (a) The commission may,
15 without hearing or other proceeding, grant temporary authority for an
16 operation by a common carrier, where there is an immediate and urgent
17 need. The temporary authority is valid for the time the commission
18 specifies, and does not create a presumption that corresponding
19 permanent authority will be granted.

20 (b) Pending the determination of an application for approval
21 of a consolidation or merger of the properties of two or more bus
22 carriers, or of a purchase, lease, or contract to operate the pro-
23 perties of one or more bus carriers, the commission may, for good
24 cause shown, and without hearing or other proceeding grant temporary
25 approval, for a period not exceeding 180 days, of operation of the
26 properties of the carriers by bus by the person proposing to acquire
27 them.

28 Sec. 42.15.141. DISCONTINUANCE OR ABANDONMENT OF CERTIFICATED
29 OPERATIONS, TEMPORARY SUSPENSION. (a) Except as otherwise provided

1 herein, no common carrier may discontinue or abandon an operation or
2 part of an operation for which a certificate has been issued by the
3 commission unless upon the application of the carrier and if after
4 notice and opportunity for hearing, the commission finds that dis-
5 continuance or abandonment will not materially harm the public
6 interest. Any interested person may file with the commission a pro-
7 test or memorandum of opposition to or in support of discontinuance
8 or abandonment. The commission may authorize temporary suspension
9 of an operation or part of an operation.

10 (b) The commission may, at the request of a common carrier
11 suspend its certificate for a definite period of time but not to
12 exceed 180 days.

13 (c) Upon suspension of a certificate it is unlawful for the
14 carrier to conduct any operation for which a certificate is required.

15 (d) The unauthorized failure for a period of six months to
16 conduct operations, to file a tariff, or to pay a required regulatory
17 fee, shall create a presumption that the certificate is abandoned and
18 the commission may institute proceedings to revoke the certificate.

19 (e) Upon complaint or upon its own motion, the commission may
20 reinvestigate a previously authorized discontinuance, abandonment or
21 suspension of an operation of a common carrier. If, after providing
22 notice and an opportunity for a hearing, the commission finds that
23 the public convenience and necessity require the service to be resumed,
24 it may order the carrier to reinstate the operation.

25 **Sec. 42.15.151. MODIFICATION, SUSPENSION OR REVOCATION OF**
26 **CERTIFICATES.** Upon complaint or upon its own initiative the com-
27 mission, after notice and opportunity for hearing and for good cause
28 shown, may amend, modify, suspend, or revoke a certificate, in whole
29 or in part. Good cause for amendment, modification, suspension or

1 revocation of a certificate includes but is not limited to any of
2 the following:

- 3 (1) as the public convenience and necessity may require;
4 (2) misrepresentation of a material fact in obtaining the
5 certificate;
6 (3) unauthorized discontinuance or abandonment of all or
7 part of the carrier's operation;
8 (4) failure to comply with the provisions of this chapter,
9 the rules, regulations or orders of the commission, the motor vehicles
10 laws of the state or the laws or regulations of the United States;
11 (5) failure to comply with a term, condition, or limita-
12 tion of the certificate.

13 ARTICLE 4. RATES AND RATE SCHEDULES.

14 Sec. 42.15.161. TARIFFS; FILING AND INSPECTION. (a) Each
15 common carrier shall file its complete tariff with the commission at
16 the time and in the form established by the commission by regulation.
17 The tariff shall show all rates, classifications, rules, regulations
18 and practices collected or enforced or to be collected or enforced by
19 the carrier. Each common carrier shall clearly print its complete
20 tariff and keep an up-to-date copy of it on file at its principal
21 business office and at each station or office where payments for the
22 carrier's service are accepted. The tariffs shall be made available
23 to, and subject to inspection by, the general public on demand.

24 (b) The tariffs of a common carrier which is also subject to
25 the jurisdiction of a federal regulatory body shall correspond, so
26 far as practicable, to the form of those prescribed by the federal
27 regulatory body.

28 (c) The commission may reject all or part of a tariff which is
29 not consistent with this chapter or the regulations of the commission.

1 A tariff or provision so rejected is void.

2 Sec. 42.15.171. ADHERENCE TO TARIFFS. No common carrier may,
3 directly or indirectly, demand or receive a greater or less rate for
4 a service provided or to be provided by it or extend privileges or
5 facilities for transportation affecting the value of the transporta-
6 tion except those specified in its tariffs and filed in the manner
7 provided in this chapter. The rates specified in its properly filed
8 tariffs shall be the lawful rates of a common carrier until changed
9 in the manner provided in this chapter.

10 Sec. 42.15.181. RATES TO BE JUST AND REASONABLE. All rates
11 demanded or received by a common carrier, or by any two or more
12 common carriers jointly, for a service furnished or to be furnished
13 shall be just and reasonable. An unjust or unreasonable rate demanded
14 or received for such service is unlawful.

15 Sec. 42.15.191. DISCRIMINATION. (a) No common carrier may grant
16 an unreasonable preference or advantage to any person, transit point,
17 locality, region, district, territory, or description of traffic, or
18 subject a person, transit point, locality, region, district, territory
19 or description of traffic to unjust discrimination or undue or unrea-
20 sonable prejudice or disadvantage.

21 (b) Unless specifically authorized by the commission, no common
22 carrier may make, demand or receive (1) a greater rate in the aggre-
23 gate for the transportation of passengers or property of the same
24 class for a shorter than for a longer distance over the same line or
25 route in the same direction, the shorter being included within the
26 longer distance; or (2) a greater rate as a through intrastate rate
27 than the aggregate of the intermediate intrastate rates. Nothing
28 contained in this section may be deemed to prohibit the establishment
29 of reasonable zone or group systems, or classifications of rates or

1 the issuance of excursion, commutation, or other special tickets at
2 special rates, or the granting of nontransferable free passes, or
3 passes at a discount to any officer, employee, or pensioner of a
4 common carrier.

5 Sec. 42.15.201. THROUGH ROUTES AND JOINT RATES. Each common
6 carrier by bus shall establish reasonable through routes and rates
7 with other carriers. In the case of joint rates, the carriers shall
8 establish just, reasonable, and equitable divisions which do not unduly
9 prefer or prejudice any of the carriers.

10 Sec. 42.15.211. TARIFF CHANGES. (a) Unless the commission other-
11 wise orders, no change may be made by a common carrier in its rates,
12 classifications, rules, regulations or practices or in a contract or
13 agreement relating to a rate, classification, rule, regulation or
14 practice except after 30 days' notice to the commission and to the
15 public. Notice shall be given by filing with the commission and keep-
16 ing open for public inspection the revised tariff provisions which
17 shall plainly indicate the changes to be made in the schedules then in
18 force and the time when the changes will go into effect. The commis-
19 sion may prescribe additional means of giving notice. The commission,
20 for good cause shown, may allow changes to take effect on less than 30
21 days' notice under such conditions as the commission may prescribe.

22 (b) Tariff changes shall be filed in the manner provided in
23 sec. 161(a) of this chapter.

24 Sec. 42.15.221. SUSPENSION OF TARIFF FILING OR CONTRACT. (a)
25 Whenever a common carrier files a contract or tariff containing a new
26 or revised rate, classification, rule, regulation, or practice, the
27 commission may, upon complaint or upon its own motion, upon reasonable
28 notice, order an investigation and a hearing concerning the lawfulness
29 of the proposed change.

1 (b) Pending completion of the investigation and hearing and a
2 decision thereon, the commission, by order stating the reasons for
3 its action, may from time to time suspend the operation of the contract
4 or tariff change and defer its effective date but not for a longer,
5 aggregate period than seven months beyond the time when the change
6 would otherwise go into effect.

7 (c) After hearing, whether completed before or after the rate,
8 classification, rule, regulation or practice goes into effect, the
9 commission may issue orders granting, denying or modifying the tariff
10 change in whole or in part.

11 (d) At a hearing involving a proposed contract or tariff
12 change, whether the change is suspended or not suspended, the burden
13 of proof to show that the change is lawful shall be upon the carrier.
14 The commission shall give to the hearing and decision of these
15 questions priority over other questions pending before it and render
16 its decision as speedily as possible.

17 Sec. 42.15.231. COMPLAINTS; POWER OF COMMISSION TO FIX RATES.

18 (a) Any person may make complaint in writing under oath to the com-
19 mission that an individual or joint rate, classification, regulation,
20 or practice of a common carrier is or will be in violation of this
21 chapter or a regulation or order of the commission. A complaint shall
22 state fully the facts complained of and the reasons for complaint.

23 (b) Whenever the commission, after an investigation and hearing
24 upon complaint or upon its own motion, finds that a rate, demanded,
25 observed, charged or collected by a common carrier for a service,
26 subject to the jurisdiction of the commission, or that a classifi-
27 cation, rule, regulation, practice, or contract affecting the rate,
28 is unjust, unreasonable, unduly discriminatory or preferential, the
29 commission shall determine a just and reasonable rate, classification,

1 rule, regulation, practice, or contract to be thereafter observed and
2 in force, and shall fix the same by order.

3 (c) The commission may after hearing, upon complaint or upon
4 its own motion, establish through routes, joint classifications, and
5 joint rates applicable to the transportation of passengers or property
6 by common carriers by bus, or by such carriers and any other common
7 c carrier and the divisions of rates and the terms and conditions under
8 which through routes are to be operated.

9 (d) In a proceeding to determine the justness or reasonableness
10 of a rate, the commission shall not consider good will, earning power,
11 or the certificate under which the carrier operates as evidence or an
12 element of value of the property of the carrier.

13 ARTICLE 5. LIABILITY PROTECTION.

14 Sec. 42.15.241. ACCIDENT LIABILITY PROTECTION REQUIRED. (a)
15 No certificate may be issued to a person to operate as a common
16 carrier upon the public highways of the state and no common carrier
17 may operate upon the public highways until and unless such person or
18 carrier has procured such reasonable security as may be required by
19 the commission for the protection of the public against damage and
20 injury for which the carrier may be liable by reason of its operation
21 as a common carrier.

22 (b) In fixing the amount of necessary security for a common car-
23 rier the commission shall give consideration to the character and
24 amount of traffic, the number of persons affected and the degree of
25 danger which the proposed operation involves.

26 (c) The commission may, at any time, refuse to accept or revoke
27 its acceptance of any security or form of security, if, in its judg-
28 ment such security does not comply with the regulations, or for any
29 reason fails to provide satisfactory or adequate protection for the

1 public. Refusal or revocation of acceptance of security shall not
2 relieve the carrier from compliance with this section.

3 Sec. 42.15.251. EVIDENCE OF PROTECTION: DEPOSIT OF INSURANCE
4 POLICY BOND OR OTHER SECURITY. (a) The protection required under sec.
5 241 of this chapter shall be evidenced by deposit with the commission,
6 covering each vehicle used or to be used under this certificate, either

7 (1) a policy of insurance issued by a company licensed to
8 write such insurance in the state and approved by the commission; or

9 (2) a bond of a surety company licensed to write surety
10 bonds in the state; or

11 (3) such other security as may be approved by the commission;
12 or

13 (4) such evidence of qualification of the carrier as a
14 self-insurer as may be approved by the commission.

15 (b) Endorsements for policies of insurance, surety bonds, certi-
16 ficates of insurance, applications to qualify as a self-insurer, or
17 for approval of other securities or agreements, and notices of cancella-
18 tion must be in the form prescribed or approved by the commission.

19 (c) Certificates of insurance and surety bonds shall be issued
20 in the full and correct name of the individual, partnership, corpora-
21 tion or other person to whom the permit is, or is to be issued. In
22 the case of a partnership, all partners shall be named.

23 Sec. 42.15.261. DURATION OF PROTECTION; CANCELLATION OF INSURANCE,
24 BOND OR OTHER SECURITY. (a) The protection against liability required
25 by sec. 241 of this chapter shall be continued in effect during the
26 active life of the certificate.

27 (b) Policies of insurance, surety bonds, and other forms of
28 security shall not be cancellable on less than 30 days' written notice
29 to the commission and this shall be clearly stated in the policy or

1 endorsement.

2 (c) The 30 day notice shall be measured from the date upon which
3 the commission receives notice.

4 Sec. 42.15.271. FIDUCIARIES, INSURED AND PRINCIPAL. The term
5 "insured" and "principal" as used in certificates of insurance,
6 surety bonds, and notices of cancellation filed by or in behalf of
7 carriers by bus shall be construed to include not only the carrier
8 named in the certificate, surety bond, or notice of cancellation,
9 but also the fiduciary of such carrier. The coverage of fiduciaries
10 herein provided for shall attach at the moment of succession of such
11 fiduciaries.

12 ARTICLE 6. JUDICIAL REVIEW,

13 PENALTIES AND ENFORCEMENT.

14 Sec. 42.15.281. EFFECT OF RULES, REGULATIONS AND ORDERS. Rules,
15 regulations and orders adopted and issued by the commission in
16 accordance with this chapter have the effect of law.

17 Sec. 42.15.291. REVIEW AND ENFORCEMENT. (a) All final orders
18 of the commission are subject to judicial review in accordance with
19 AS 44.62.560 - 44.62.570 of the Administrative Procedure Act.

20 (b) The commission may apply to the superior court for enforce-
21 ment of this chapter, the rules and regulations adopted under it and
22 the orders of the commission. If the court determines that the
23 statute, rules and regulations are valid and that the order was
24 regularly and validly made and duly issued, it shall enforce the
25 order by injunction and other process.

26 Sec. 42.15.301. VIOLATION A MISDEMEANOR. Any person (whether
27 or not a carrier by bus or an officer, agent, or employee of a carrier
28 by bus) who shall knowingly fail, omit, neglect or refuse to comply
29 with a provision of this chapter or a rule, regulation, order of

1 decision of the commission, or an order of the commission prescribing
2 temporary rates in a rate proceeding, or a final order or decree of
3 a court, or who shall knowingly procure, aid, or abet any such viola-
4 tion, omission, failure, neglect, or refusal, shall be guilty of a
5 misdemeanor, and upon conviction, shall be sentenced to pay the costs
6 of prosecution and a fine of not more than \$500 for each offense.

7 Sec. 42.15.311. CIVIL PENALTIES FOR VIOLATION OR NONCOMPLIANCE.

8 In addition to all other penalties and remedies provided by law a
9 carrier by bus and each officer, director, agent, or employee of a
10 carrier by bus who violates (including failure to obey or comply
11 with), or who procures, aids, or abets, a violation by a carrier by
12 bus of a provision of this chapter, an order, decision, rule, or
13 regulation of the commission is subject to a civil penalty of not
14 more than \$100 for each offense.

15 Sec. 42.15.321. EACH VIOLATION A SEPARATE OFFENSE. Each viola-
16 tion of the provisions of this chapter or of an order, decision, rule,
17 or regulation of the commission by a carrier by bus or other person
18 is a separate and distinct offense, and in case of a continuing
19 violation each day's continuance is a separate and distinct offense.

20 Sec. 42.15.331. COMMISSION TO DETERMINE AND LEVY CIVIL PENALTY.
21 When the commission finds, after providing notice and an opportunity
22 to be heard, that a carrier by bus, its officers or agents or other
23 person has been in violation or procured, aided and abetted a carrier
24 by bus in a violation as defined in secs. 311 and 321 of this
25 chapter, the commission shall determine the extent and duration of
26 the violation, the circumstances under which it occurred and the
27 amount of the civil penalty, if any, to be levied. A levy of penalty
28 shall be made by written order of the commission.

29 Sec. 42.15.341. ACTIONS TO RECOVER PENALTIES AND FINES; DIS-

1 POSITION. (a) Actions to recover penalties or impose fines under
2 this chapter shall be brought by the attorney general in a court of
3 competent jurisdiction.

4 (b) All fines imposed and all penalties recovered under the
5 provisions of this chapter shall be paid to the commission and
6 deposited by it in the general fund of the state.

7 Sec. 42.15.351. PENALTIES, CUMULATIVE: NOT EXCLUSIVE. (a) All
8 penalties occurring under this chapter shall be cumulative and a suit
9 for the recovery of one penalty shall not be a bar to or affect the
10 recovery of any other penalty or be a bar to any criminal prosecution
11 and imposition of a fine against a carrier by bus or an officer,
12 director, agent or employee thereof or any other person.

13 (b) Neither a criminal prosecution nor an action to recover a
14 penalty as provided in this chapter is a bar to an enforcement pro-
15 ceeding to require compliance, nor to any other remedy provided by
16 this chapter.

17 Sec. 42.15.361. JOINDER OF ACTIONS. Under the applicable court
18 rules, appeals from orders of the commission, applications for enforce-
19 ment of commission orders and actions for recovery of a penalty may
20 be joined. The court may in the interests of justice separate the
21 actions.

22 ARTICLE 7. GENERAL PROVISIONS.

23 Sec. 42.15.371. WEIGHT FEES. (a) Every common carrier shall
24 pay the following weight fees each year for each motor bus owned or
25 operated by it on the public highways of the state:

26	Over 0 pounds but not over 12,000 pounds	\$35
27	12,001 pounds but not over 18,000 pounds	55
28	18,000 pounds and over	75

29 (b) Weight fees for each vehicle shall be based upon the maximum

1 gross unladen weight of the vehicle as set by the carrier in its
2 application to the state for vehicle license plates, or in the case
3 of vehicles not otherwise licensed, the unladen weight established
4 by the manufacturer.

5 (c) Weight fees on vehicles regularly licensed and registered
6 in the state shall be paid to the commissioner of revenue at the same
7 time that the regular annual license fee is paid. Weight fees on
8 vehicles not otherwise licensed in the state shall be paid to the
9 commission.

10 Sec. 42.15.381. C.O.D. SHIPMENT BOND. The commission may,
11 under rules and regulations it prescribes, require a common carrier
12 to file a surety bond, or deposit security or a bond guaranteed by
13 individuals approved by the commission. The commission shall fix the
14 amount of the bond or the security. The bond or security shall be
15 conditioned upon the carrier paying over to shippers and consignees
16 money belonging to shippers and consignees, and coming into the
17 possession of the carrier in connection with its transportation ser-
18 vice. A common carrier required by law to compensate a shipper or
19 consignee for loss, damage or default for which a connecting common
20 carrier is legally responsible shall be subrogated to the rights of
21 the shipper or consignee under the bond or deposit of security to the
22 extent of the sum paid.

23 Sec. 42.15.391. LEASING. Where possession or use is transferred,
24 other than by sale, of a bus for use by a common carrier, the transfer
25 may be made only by written lease. Oral agreements for such transfers
26 are prohibited.

27 Sec. 42.15.401. LEASE REQUIREMENTS. The commission may pre-
28 scribe rules and regulations governing the leasing of vehicles to
29 be used as busses.

1 Sec. 42.15.411. SAFETY REGULATIONS. Safety of operations of
2 all carriers by bus is a matter of great importance to the public and
3 the commission shall from time to time promulgate and adopt safety
4 rules and regulations as it considers necessary for the protection
5 of the public.

6 Sec. 42.15.421. PROHIBITED OPERATION. No carrier by bus may
7 permit or require a driver, nor may any driver drive any bus, which
8 has been declared "out of service" by the commission or other
9 authorized agency. Such bus may not be operated until required
10 repairs have been made, and the carrier has complied with all orders
11 of the commission or other authorized agency pertaining thereto.

12 Sec. 42.15.431. SAFE AND SANITARY CONDITIONS OF VEHICLES. Each
13 bus and all parts thereof shall be maintained in a safe and sanitary
14 condition at all times, and shall be at all times subject to inspec-
15 tion by the commission.

16 Sec. 42.15.441. IDENTIFICATION OF BUSES. (a) Each bus shall
17 be identified so as to allow immediate determination of the identity
18 of the carrier operating it.

19 (b) Except as provided in (c) of this section, each bus owned
20 by a carrier shall be identified with the name of the carrier as it
21 appears on his certificate and the carrier's certificate number
22 identified as "ATC _____ (number)." This information shall
23 be displayed on both sides of each bus and the lettering shall be in
24 contrasting colors to the background upon which it is placed. Numbers
25 and letters shall be not less than two inches in height.

26 (c) Buses operating under authority of the Interstate Commerce
27 Commission and identified in accordance with federal regulation, shall
28 additionally display the Alaska Transportation Commission certificate
29 number.

1 (d) Each bus leased or rented by a carrier shall be identified
2 as provided in (a) of this section, except that preceding the name of
3 the carrier shall be the words "Leased and Operated by".

4 Sec. 42.15.451. REMOVAL OF IDENTIFICATION. When a bus is dis-
5 posed of by the carrier by sale or otherwise and is no longer in use
6 by the carrier, the carrier shall remove all identification required
7 in sec. 441 of this chapter from the vehicle before final disposition.

8 Sec. 42.15.461. SHORT TITLE: This chapter may be cited as the
9 Alaska Bus Act.

10 * Sec. 2. All litigations, hearings, investigations, and other pro-
11 ceedings whatsoever, pending under any law repealed by this Act, shall con-
12 tinue and remain in full force and effect, and may be continued and com-
13 pleted under the provisions of this Act. All certificates, orders, rules,
14 regulations, or tariffs made, issued, or filed under any law repealed by
15 this Act, and in full force and effect upon the effective date of this Act,
16 shall remain in full force and effect for the term issued, or until
17 revoked, vacated, or modified under the provisions of this Act. All
18 existing contracts and obligations of the commission, entered into or
19 created under any law repealed by this Act, and in force and effect upon the
20 effective date of this Act, shall remain in full force and effect and shall
21 continue to be performed by the commission.

22 * Sec. 3. This Act takes effect on the day after its passage and approval
23 or on the day it becomes law without approval.
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