

Original sponsor: Rules Committee  
by Request of the Governor

Offered: 4/22/69  
Referred: Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR 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 pro-  
7 viding for an effective date."

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

9 \* Section 1. AS 42.15.010 - 42.15.120 are repealed.

10 \* Sec. 2. AS 42.15 is amended by adding new sections to read:

11 ARTICLE 1. REGULATION BY COMMISSION.

12 Sec. 42.15.011. DECLARATION OF POLICY. The business of operating  
13 as a carrier by bus for compensation or gain upon the public highways  
14 is a business affected with the public interest. It is the purpose of  
15 this chapter to provide passengers, shippers and receivers of express  
16 in the state with a stabilized service and rate structure; to foster  
17 sound economic conditions among the carriers which will guarantee  
18 transportation in the public interest; to promote adequate, economical,  
19 and efficient service by motor carriers and reasonable charges, with-  
20 out unjust discrimination, undue preferences or advantages, or unfair  
21 competitive practices; to improve and coordinate the relations among  
22 and transportation by and regulation of common carriers by bus and  
23 other carriers in order that the highways of the state may be properly  
24 developed and preserved and the public assured of adequate, complete,  
25 dependable and stable transportation service in all its phases; and to  
26 promote, require and enforce safe conditions and practices in the  
27 public interest.

28 Sec. 42.15.021. REGULATION OF COMMON AND CONTRACT CARRIERS. The  
29 commission

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

3 (2) may investigate, upon complaint or upon its own initi-  
4 ative, common and contract carrier classifications, rules, regulations,  
5 practices and rates, and hold public hearings on them;

6 (3) may make, fix, alter and amend just, fair and reasonable  
7 classifications, rules, regulations, practices and rates of common, but  
8 not contract, carriers;

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

11 (5) may require common carriers to file reports and other  
12 information and data;

13 (6) may require contract carriers to file reports necessary  
14 to the adjudication of complaints under this chapter.

15 Sec. 42.15.031. REGULATION OF PRIVATE CARRIERS. (a) The commis-  
16 sion shall supervise and regulate every private carrier in the state

17 (1) as to safety of its operations;

18 (2) so as to prevent operation as a common or contract  
19 carrier.

20 (b) The commission may require a private carrier to file reports  
21 and other information and data.

22 Sec. 42.15.041. INVESTIGATIONS AND INSPECTIONS. The commission  
23 may inspect the vehicles, books, and documents of all carriers by bus  
24 for the purpose of discovering discrimination, rebates, and other in-  
25 formation pertaining to this chapter.

26 Sec. 42.15.051. NOTICES, ORDERS, AND SERVICE OF PROCESS. (a)  
27 Each common and contract carrier shall file with the commission a  
28 designation in writing of the name and address of an agent upon whom  
29 notices or orders may be served under this chapter. The designation

1 may be changed by writing similarly filed.

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

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

10 (d) Orders of the commission may take effect in less than 30 days  
11 if the commission finds, and states in the order, that a shorter time  
12 is required by the public health, safety or welfare.

13 (e) Each carrier by bus, its officers, agents and employees shall  
14 observe and comply with the regulations and orders of the commission.

15 ARTICLE 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

16 Sec. 42.15.061. CERTIFICATE REQUIRED. (a) Except as otherwise  
17 provided in this chapter, no common carrier may transport passengers,  
18 their baggage, or express in the state without first obtaining from the  
19 commission a certificate of public convenience and necessity.

20 (b) The commission shall issue a certificate to a qualified ap-  
21 plicant authorizing the whole or part of the operations covered by the  
22 application, if the commission finds that the applicant is fit, willing  
23 and able properly to perform the service proposed and to conform to the  
24 provisions of this chapter and the requirements and regulations of the  
25 commission under this chapter, and that the proposed service, to the  
26 extent authorized by the certificate, is or will be required by the  
27 present or future public convenience and necessity.

28 (c) The certificate shall specify the area or routes over which,  
29 or the points to and from which, the carrier is authorized to operate.

1 at the time of issuance and from time to time thereafter there shall  
2 be attached to the exercise of the privileges granted by the certifi-  
3 cate reasonable terms, conditions, and limitations the public conveni-  
4 ence and necessity require, or which may be necessary to carry out the  
5 requirements of this chapter or those established by the commission  
6 under this chapter. The terms, conditions, or limitations may not  
7 restrict the right of the carrier to add to its equipment, facilities,  
8 or service within the scope of the certificate, as the development of  
9 the business and the demands of the public require.

10 (d) Established routes may only be changed upon petition to the  
11 commission and subsequent authorization, except when temporarily re-  
12 quired by emergency or disaster. A hearing on an application for a  
13 route change shall be held within 60 days, except upon agreement of the  
14 parties.

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

17 (f) A right, privilege, franchise, or certificate held, owned,  
18 or obtained by a common carrier may be sold, leased or transferred  
19 upon authorization by the commission.

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

22 (h) No certificate may be required under this section for the  
23 transport of passengers, their baggage or express under a franchise or  
24 permit granted by a municipality if the transportation is from one  
25 point within the municipality to another point within the municipality  
26 only, or to municipal property outside municipal limits only.

27 **Sec. 42.15.071. APPLICATIONS; FILING FEE.** (a) Application for  
28 a certificate, temporary or otherwise, or for a transfer, lease,  
29 modification, consolidation, merger, or contract to operate the

1 properties of one or more carriers shall be made to the commission in  
2 writing on forms prescribed and furnished by the commission. The ap-  
3 plication shall state the ownership, control, affiliation with other  
4 carriers, financial condition, equipment to be used and physical  
5 property of the applicant, the territory in or route over which the  
6 applicant proposes to operate, the nature of the transportation to be  
7 engaged in and other information the commission requires.

8 (b) When the applicant is a corporation it shall also state the  
9 affiliation of its officers, directors, five major stockholders, or  
10 any of them with any other carrier under this chapter.

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

14 Sec. 42.15.081. TRANSFER. (a) Transfer of a certificate will be  
15 granted upon approval of the commission. Commission approval is  
16 required in any of the following instances:

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

20 (2) merger;

21 (3) consolidation;

22 (4) acquisition by one or more persons of a controlling  
23 interest in a carrier firm, by purchase, by acquisition of stock, or  
24 by any other means.

25 (b) The transferor shall certify to the commission that the  
26 authority contained in the certificate has been in reasonably con-  
27 tinuous and active use as to the territory or routes authorized to be  
28 served, and as to the various services authorized to be rendered by the  
29 carrier. The commission may require documentary evidence in support

of the certification. Dormant operating rights of the transferor will not be transferred unless the commission finds that the service is needed for the public convenience and necessity, and that the transferee will provide such service.

(c) Applications for transfer may not be granted until

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

(2) all money due shippers or other parties entitled to receive it for shipments performed on a C.O.D. basis has been paid or the obligation has been settled to the satisfaction of the commission.

Sec. 42.15.091. BURDEN OF PROOF ON APPLICANTS. (a) Each applicant for new authority, or in case of a transfer, the transferee, has the burden of proof to establish that the proposed operation satisfies the requirements of this chapter and he must prove that he

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

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

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

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

(b) Except as provided in sec. 81(b) of this chapter, applicants for transfer need not make a showing of public convenience and

1 necessity, and the provisions of (a)(4) of this section are not appli-  
2 cable to a transferee.

3 Sec. 42.15.101. LIMITATION OF RENEWAL OF APPLICATION. A person  
4 whose application for a certificate is denied is not eligible to renew  
5 the same application for a period of six months from the date of the  
6 order denying the application, except as otherwise may be authorized by  
7 the commission for good cause shown.

8 Sec. 42.15.111. TEMPORARY OPERATIONS. (a) The commission may,  
9 without hearing or other proceeding, grant temporary authority for an  
10 operation by a common carrier, where there is an immediate and urgent  
11 need. The temporary authority is valid for the time the commission  
12 specifies, and does not create a presumption that corresponding  
13 permanent authority will be granted.

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

22 Sec. 42.15.121. DISCONTINUANCE, ABANDONMENT OR TEMPORARY SUSPENSION  
23 OF CERTIFICATED OPERATIONS. (a) Except as otherwise provided in this  
24 chapter, no common carrier may discontinue or abandon an operation or  
25 part of an operation for which a certificate has been issued by the  
26 commission unless upon the application of the carrier and if after  
27 notice and opportunity for hearing, the commission finds that discon-  
28 tinuance or abandonment will not materially harm the public interest.  
29 Any interested person may file with the commission a protest or

1 memorandum of opposition to or in support of discontinuance or abandon-  
2 ment. The commission may authorize temporary suspension of an operation  
3 or part of an operation.

4 (b) The commission may, at the request of a common carrier  
5 suspend its certificate for a definite period, but not to exceed 180  
6 days.

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

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

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

19 Sec. 42.15.131. MODIFICATION, SUSPENSION OR REVOCATION OF  
20 CERTIFICATES. Upon complaint or upon its own initiative the com-  
21 mission, after notice and opportunity for hearing and for good cause  
22 shown, may amend, modify, suspend, or revoke a certificate, in whole  
23 or in part. Good cause for amendment, modification, suspension or  
24 revocation of a certificate includes but is not limited to any of the  
25 following:

26 (1) voluntary or unauthorized discontinuance or abandonment  
27 of all or part of the carrier's operation;

28 (2) misrepresentation of a material fact in obtaining the  
29 certificate;

1 (3) failure to comply with the provisions of this chapter,  
2 the regulations or orders of the commission, the motor vehicle laws  
3 of the state or the laws or regulations of the United States;

4 (4) failure to comply with a term, condition, or limitation  
5 of the certificate.

6 ARTICLE 3. RATES AND RATE SCHEDULES.

7 Sec. 42.15.141. TARIFFS; FILING AND INSPECTION. (a) Each  
8 common carrier shall file its complete tariff with the commission at  
9 the time and in the form established by the commission by regulation.  
10 The tariff shall show all rates, classifications, rules, regulations  
11 and practices collected or enforced or to be collected or enforced by  
12 the carrier. Each common carrier shall clearly print its complete  
13 tariff and keep an up-to-date copy of it on file at its principal  
14 business office and at each station or office where payments for the  
15 carrier's service are accepted. The tariffs shall be made available  
16 to, and subject to inspection by, the general public on demand.

17 (b) The tariffs of a common carrier which is also subject to  
18 the jurisdiction of a federal regulatory body shall correspond, so  
19 far as practicable, to the form of those prescribed by the federal  
20 regulatory body.

21 (c) The commission may reject all or part of a tariff which is  
22 not consistent with this chapter or the regulations of the commission.  
23 A tariff or provision so rejected is void.

24 Sec. 42.15.151. ADHERENCE TO TARIFFS. No common carrier may,  
25 directly or indirectly, demand or receive a greater or lesser rate for  
26 a service provided or to be provided by it or extend privileges or  
27 facilities for transportation affecting the value of the transportation  
28 except those specified in its tariffs and filed in the manner provided  
29 in this chapter. The rates specified in its properly filed tariffs

shall be the lawful rates of a common carrier until changed in the manner provided in this chapter.

Sec. 42.15.161. RATES TO BE JUST AND REASONABLE. All rates demanded or received by a common carrier, or by any two or more common carriers jointly, for a service furnished or to be furnished shall be just and reasonable. An unjust or unreasonable rate demanded or received for the service is unlawful.

Sec. 42.15.171. DISCRIMINATION. (a) No common carrier may grant an unreasonable preference or advantage to any person, transit point, locality, region, district, territory, or description of traffic, or subject a person, transit point, locality, region, district, territory or description of traffic to unjust discrimination or undue or unreasonable prejudice or disadvantage.

(b) Unless specifically authorized by the commission, no common carrier may make, demand or receive (1) a greater rate in the aggregate for the transportation of passengers or property of the same class for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance; or (2) a greater rate as a through intrastate rate than the aggregate of the intermediate intrastate rates. Nothing contained in this section prohibits the establishment of reasonable zone or group systems, or classifications of rates or the issuance of excursion, commutation, or other special tickets at special rates, or the granting of nontransferable free passes, or passes at a discount to any officer, employee, or pensioner of a common carrier.

Sec. 42.15.181. THROUGH ROUTES AND JOINT RATES. Each common carrier by bus shall establish reasonable through routes and rates with other carriers. In the case of joint rates, the carriers shall establish just, reasonable, and equitable divisions which do not unduly

1 prefer or prejudice any of the carriers.

2 Sec. 42.15.191. TARIFF CHANGES. (a) Unless the commission  
3 otherwise orders, no change may be made by a common carrier in its  
4 rates, classifications, rules, regulations or practices or in a contract  
5 or agreement relating to a rate, classification, rule, regulation or  
6 practice except after 30 days' notice to the commission and to the  
7 public. Notice shall be given by filing with the commission and keep-  
8 ing open for public inspection the revised tariff provisions which  
9 shall plainly indicate the changes to be made in the schedules then in  
10 force and the time when the changes will go into effect. The commis-  
11 sion may prescribe additional means of giving notice. The commission,  
12 for good cause shown, may allow changes to take effect on less than 30  
13 days' notice under conditions the commission prescribes.

14 (b) Tariff changes shall be filed in the manner provided in  
15 sec. 141(a) of this chapter.

16 Sec. 42.15.201. SUSPENSION OF TARIFF FILING OR CONTRACT. (a)  
17 When a common carrier files a contract or tariff containing a new or  
18 revised rate, classification, rule, regulation, or practice, the  
19 commission may, upon complaint or upon its own motion, upon reasonable  
20 notice, order an investigation and a hearing concerning the lawfulness  
21 of the proposed change.

22 (b) Pending completion of the investigation and hearing and a  
23 decision on the lawfulness of the change, the commission, by order  
24 stating the reasons for its action, may from time to time suspend the  
25 operation of the contract or tariff change and defer its effective date  
26 but not for a longer, aggregate period than 180 days beyond the time  
27 when the change would otherwise go into effect.

28 (c) After hearing, whether completed before or after the rate,  
29 classification, rule, regulation or practice goes into effect, the

1 commission may issue orders granting, denying or modifying the tariff  
2 change in whole or in part.

3 (d) At a hearing involving a proposed contract or tariff change,  
4 whether the change is suspended or not suspended, the burden of proof  
5 to show that the change is lawful is upon the carrier. The commission  
6 shall give to the hearing and decision of these questions priority over  
7 other questions pending before it and render its decision as speedily  
8 as possible.

9 Sec. 42.15.211. COMPLAINTS; POWER OF COMMISSION TO FIX RATES.

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

15 (b) When the commission, after an investigation and hearing  
16 upon complaint or upon its own motion, finds that a rate demanded,  
17 observed, charged or collected by a common carrier for a service  
18 subject to the jurisdiction of the commission, or that a classification,  
19 rule, regulation, practice, or contract affecting the rate, is unjust,  
20 unreasonable, unduly discriminatory or preferential, the commission  
21 shall determine a just and reasonable rate, classification, rule,  
22 regulation, practice, or contract to be thereafter observed and in  
23 force, and shall establish it by order.

24 (c) The commission may after hearing, upon complaint or upon  
25 its own motion, establish through routes, joint classifications, and  
26 joint rates applicable to the transportation of passengers or property  
27 by common carriers by bus, or by such carriers and any other common  
28 carrier and the divisions of rates and the terms and conditions under  
29 which through routes are to be operated.

1 (d) In a proceeding to determine the justness or reasonableness  
2 of a rate, the commission may not consider good will, earning power,  
3 or the certificate under which the carrier operates as evidence or an  
4 element of value of the property of the carrier.

5 ARTICLE 4. LIABILITY PROTECTION.

6 Sec. 42.15.221. ACCIDENT LIABILITY PROTECTION REQUIRED. (a) No  
7 certificate may be issued to a person to operate as a common carrier  
8 upon the public highways of the state and no common carrier may operate  
9 upon the public highways unless the person or carrier has procured such  
10 reasonable security as may be required by the commission for the pro-  
11 tection of the public against damage and injury for which the carrier  
12 may be liable by reason of its operation as a common carrier.

13 (b) In fixing the amount of necessary security for a common  
14 carrier the commission shall give consideration to the character and  
15 amount of traffic, the number of persons affected and the degree of  
16 danger which the proposed operation involves.

17 (c) The commission may at any time refuse to accept, or revoke  
18 its acceptance of, any security or form of security, if, in its judg-  
19 ment, the security does not comply with the regulations, or for any  
20 reason fails to provide satisfactory or adequate protection for the  
21 public. Refusal or revocation of acceptance of security does not  
22 relieve the carrier from compliance with this section.

23 Sec. 42.15.231. EVIDENCE OF PROTECTION; DEPOSIT OF INSURANCE  
24 POLICY BOND OR OTHER SECURITY. (a) The protection required under sec.  
25 221 of this chapter shall be evidenced by deposit with the commission,  
26 covering each vehicle used or to be used under this certificate, either

27 (1) a policy of insurance issued by an insurer acceptable  
28 to the commission and licensed to write such insurance in a state of  
29 the United States or in the jurisdiction where it is domiciled, if the

1 insurer maintains in a bank located in and subject to the laws of the  
2 United States a trust fund for the benefit of its policyholders of not  
3 less than \$200,000; or

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

6 (3) other security approved by the commission; or

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

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

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

17 Sec. 42.15.241. DURATION OF PROTECTION; CANCELLATION OF INSURANCE  
18 BOND OR OTHER SECURITY. (a) The protection against liability required  
19 by sec. 221 of this chapter shall be continued in effect during the  
20 active life of the certificate.

21 (b) Policies of insurance, surety bonds, and other forms of  
22 security may not be cancellable on less than 30 days' written notice  
23 to the commission and this shall be clearly stated in the policy or  
24 endorsement.

25 (c) The 30-day notice shall be measured from the date upon which  
26 the commission receives notice.

27 Sec. 42.15.251. FIDUCIARIES; INSURED AND PRINCIPAL. The term  
28 "insured" and "principal" as used in certificates of insurance, surety  
29 bonds, and notices of cancellation filed by or in behalf of carriers

1 by bus shall be construed to include not only the carrier named in the  
2 certificate, surety bond, or notice of cancellation, but also the  
3 fiduciary of the carrier. The coverage of fiduciaries provided for in  
4 this chapter attaches at the moment of succession of the fiduciaries.

5 ARTICLE 5. JUDICIAL REVIEW,  
6 PENALTIES AND ENFORCEMENT.

7 Sec. 42.15.261. EFFECT OF REGULATIONS AND ORDERS. Regulations and  
8 orders adopted and issued by the commission in accordance with this  
9 chapter have the effect of law.

10 Sec. 42.15.271. REVIEW AND ENFORCEMENT. (a) All final orders  
11 of the commission are subject to judicial review in accordance with  
12 AS 44.62.560 - 44.62.570 of the Administrative Procedure Act.

13 (b) The commission may apply to the superior court for enforce-  
14 ment of this chapter and regulations and orders of the commission adopted  
15 under it. If the court determines that the statute and regulations are  
16 valid and that the order was regularly and validly made and duly issued,  
17 it shall enforce the order by injunction and other process.

18 Sec. 42.15.281. VIOLATION A MISDEMEANOR. A person (whether or  
19 not a carrier by bus or an officer, agent, or employee of a carrier by  
20 bus) who knowingly fails, omits, neglects or refuses to comply with a  
21 provision of this chapter or a regulation, order or decision of the  
22 commission, or a final order or decree of a court, or who knowingly  
23 procures, aids, or abets such a violation, is guilty of a misdemeanor,  
24 and upon conviction, is punishable by a fine of not more than \$500 for  
25 each offense plus payment of the costs of prosecution.

26 Sec. 42.15.291. EACH VIOLATION A SEPARATE OFFENSE. Each violation  
27 of the provisions of this chapter or of an order, decision, or regula-  
28 tion of the commission by a carrier by bus or other person is a separate  
29 and distinct offense, and in case of a continuing violation each day's

1 continuance is a separate and distinct offense.

2 Sec. 42.15.301. ACTIONS TO RECOVER FINES; DISPOSITION. (a)  
3 Actions to impose fines under this chapter shall be brought by the  
4 attorney general in a court of competent jurisdiction.

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

7 Sec. 42.15.311. CRIMINAL PROSECUTION NOT A BAR TO ENFORCEMENT.  
8 A criminal prosecution under this chapter is not a bar to an enforcement  
9 proceeding to require compliance, nor to any other remedy provided by  
10 this chapter.

11 Sec. 42.15.321. JOINDER OF ACTIONS. Under the applicable court  
12 rules, appeals from orders of the commission and applications for en-  
13 forcement of commission orders may be joined. The court may in the  
14 interests of justice separate the actions.

15 ARTICLE 6. MISCELLANEOUS PROVISIONS.

16 Sec. 42.15.331. WEIGHT FEES. (a) Every common carrier shall  
17 pay the following weight fees each year for each motor bus owned or  
18 operated by it on the public highways of the state:

19 Over 0 pounds but not over 12,000 pounds . . . . \$35  
20 12,001 pounds but not over 18,000 pounds . . . . 55  
21 18,000 pounds and over . . . . . 75

22 (b) Weight fees for each vehicle shall be based upon the maximum  
23 gross unladen weight of the vehicle as set by the carrier in its  
24 application to the state for vehicle license plates, or in the case  
25 of vehicles not otherwise licensed, the unladen weight established by  
26 the manufacturer.

27 (c) Weight fees on vehicles regularly licensed and registered  
28 in the state shall be paid to the commissioner of revenue at the same  
29 time that the regular annual license fee is paid. Weight fees on

1 vehicles not otherwise licensed in the state shall be paid to the  
2 commission.

3 Sec. 42.15.341. C.O.D. SHIPMENT BOND. The commission may,  
4 under regulations it prescribes, require a common carrier to file a  
5 surety bond, or deposit security or a bond guaranteed by individuals  
6 approved by the commission. The commission shall fix the amount of  
7 the bond or the security. The bond or security shall be conditioned  
8 upon the carrier paying over to shippers and consignees money belonging  
9 to shippers and consignees, and coming into the possession of the  
10 carrier in connection with its transportation service. A common  
11 carrier required by law to compensate a shipper or consignee for loss,  
12 damage or default for which a connecting common carrier is legally  
13 responsible shall be subrogated to the rights of the shipper or con-  
14 signee under the bond or deposit of security to the extent of the  
15 sum paid.

16 Sec. 42.15.351. LEASING. Where possession or use of a bus is  
17 transferred, other than by sale, for use by a common carrier, the  
18 transfer may be made only by written lease. Oral agreements for these  
19 transfers are prohibited.

20 Sec. 42.15.361. LEASE REQUIREMENTS. The commission may prescribe  
21 regulations governing the leasing of vehicles to be used as busses.

22 Sec. 42.15.371. SAFETY REGULATIONS. The commission shall adopt  
23 safety regulations it considers necessary for the protection of the  
24 public.

25 Sec. 42.15.381. PROHIBITED OPERATION. No carrier by bus may  
26 permit or require a driver to drive, nor may a driver drive a bus which  
27 has been declared "out of service" by the commission or other authorized  
28 agency. Such a bus may not be operated until required repairs have  
29 been made, and the carrier has complied with all orders of the

1 commission or other authorized agency pertaining to it.

2 Sec. 42.15.391. SAFE AND SANITARY CONDITIONS OF VEHICLES. Each  
3 bus and all of its parts shall be maintained in a safe and sanitary  
4 condition at all times, and are at all times subject to inspection by  
5 the commission.

6 Sec. 42.15.401. IDENTIFICATION OF BUSES. (a) Each bus shall  
7 be identified so as to allow immediate determination of the identity  
8 of the carrier operating it.

9 (b) Except as provided in (c) of this section, each bus owned  
10 by a carrier shall be identified with the name of the carrier as it  
11 appears on his certificate and the carrier's certificate number  
12 identified as "ATC \_\_\_\_\_ (number)." This information  
13 shall be displayed on both sides of each bus and the lettering shall be  
14 in contrasting colors to the background upon which it is placed. Num-  
15 bers and letters shall be not less than two inches in height.

16 (c) Buses operating under authority of the Interstate Commerce  
17 Commission and identified in accordance with federal regulation, shall  
18 additionally display the Alaska Transportation Commission certificate  
19 number.

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

23 Sec. 42.15.411. REMOVAL OF IDENTIFICATION. When a bus is dis-  
24 posed of by the carrier by sale or otherwise and is no longer in use  
25 by the carrier, the carrier shall remove all identification required  
26 in sec. 441 of this chapter from the vehicle before final disposition.

27 ARTICLE 7. GENERAL PROVISIONS.

28 Sec. 42.15.421. EXEMPT VEHICLES. Except when otherwise provided,  
29 this chapter does not apply to

1 (1) busses owned and operated by the United States, the  
2 state, or a borough or city in the state; however, such busses are  
3 subject to this chapter to the extent permitted by the laws of the  
4 United States when used to transport for compensation passengers, their  
5 baggage, and express in competition with common carriers subject to  
6 this chapter;

7 (2) school busses;

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

10 (4) taxicabs;

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

13 Sec. 42.15.431. DEFINITIONS. In this chapter, unless the context  
14 indicates otherwise

15 (1) "bus" or "motor bus" means any self-propelled vehicle  
16 or other device used in connection with such a vehicle operated upon  
17 the public highways, used for the transportation of passengers;

18 (2) "carrier by bus" means any person who, for compensation  
19 or other benefit transports, or provides a bus for the transport of,  
20 passengers over the public highways of the state and who provides, pro-  
21 cures or arranges, directly, indirectly or through course of dealing,  
22 a driver or operator for such a bus;

23 (3) "charter" means the exclusive use of a bus by a person  
24 who, under a single contract, and for a fixed charge for the bus,  
25 travels to a specified destination or over a particular itinerary,  
26 either agreed upon in advance or modified by the contracting parties  
27 after having left the place of origin;

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

29 (5) "common carrier" means a carrier by bus which holds

1 itself out to the public as willing to undertake, for compensation, to  
2 transport passengers by motor bus upon the public highways;

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

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

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

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

16 (10) "school bus" means any bus properly identified as a  
17 school bus and used exclusively in conveying students to and from  
18 schools;

19 (11) "express shipment" means a quantity of express  
20 tendered at one time and one place by one shipper consigned to one  
21 consignee at one destination and delivered to one place; this definition  
22 does not prohibit the carrier from picking up or delivering portions  
23 contained in the receipt or bill of lading if a reasonable charge is  
24 made for the service and the charge is published in the carrier's  
25 tariff;

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

1           Sec. 42.15.441.   SHORT TITLE.   This chapter may be cited as the  
2   Alaska Bus Act.

3       \* Sec. 3. All litigations, hearings, investigations, and other pro-  
4   ceedings whatsoever, pending under any law repealed by this Act, shall con-  
5   tinue and remain in full force and effect, and may be continued and com-  
6   pleted under the provisions of this Act. All certificates, orders, rules,  
7   regulations, or tariffs made, issued, or filed under any law repealed by  
8   this Act, and in full force and effect upon the effective date of this Act,  
9   shall remain in full force and effect for the term issued, or until revoked,  
10   vacated, or modified under the provisions of this Act. All existing con-  
11   tracts and obligations of the commission, entered into or created under any  
12   law repealed by this Act, and in force and effect upon the effective date of  
13   this Act, shall remain in full force and effect and shall continue to be  
14   performed by the commission.

15       \* Sec. 4. This Act takes effect on the day after its passage and approval  
16   or on the day it becomes law without approval.