

Introduced: 5/18/77  
Referred: Judiciary

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 *HCS CS* SENATE BILL NO. 362 *AM*  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the enforcement authority of the  
7 Alaska Transportation Commission."

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

9 \* Section 1. AS 42.07.031 is amended to read:

10 Sec. 42.07.031. QUORUM. Two members of the commission constitute  
11 a quorum for the transaction of business, for the performance of a duty,  
12 or for the exercise of a power of the commission, except as provided  
13 in sec. 181(b) of this chapter.

14 \* Sec. 2. AS 42.07.141 is amended by adding a new subsection to read:

15 (e) The commission may adopt regulations or issue orders governing  
16 the protection, assemblage, exchange, and distribution of information  
17 including the allocation of any costs incurred by a person in performing  
18 those activities.

19 \* Sec. 3. AS 42.07 is amended by adding new sections to read:

20 Sec. 42.07.171. ENFORCEMENT AUTHORITY. Every person so authorized  
21 by the commission has the special police powers set out in this section  
22 in order to enforce regulations and orders of the commission and to en-  
23 force the statutes that the commission has the responsibility to ad-  
24 minister. The commission may authorize any person to

25 (1) require the operator of any surface or air vehicle which  
26 may be subject to or reasonably believed to be subject to the authority  
27 of the commission to present documents of vehicle registration, owner-  
28 ship, or other documents required by regulation to be in the possession  
29 of the operator;

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1 (2) stop and inspect any surface or air vehicle and inspect  
2 cargo within the vehicle for the purpose of determining whether the  
3 operation of the vehicle violates any regulation or order of the commis-  
4 sion, violates any statute the commission has the responsibility to  
5 administer, or is exempt from regulation;

6 (3) detain, put out of service, or require the operator to  
7 deliver a surface or air vehicle which the commission has authority to  
8 regulate plus its contents to a specific location, if a reasonable per-  
9 son under the circumstances would be likely to believe the operation of  
10 the vehicle would jeopardize the public safety;

11 (4) issue citations for the violation of commission regula-  
12 tions, orders, or the statutes which the commission has authority to  
13 administer; and

14 (5) apply to a court for an appropriate order.

15 Sec. 42.07.181. STOP ORDERS. (a) After providing a hearing in  
16 accordance with its regulations, the commission may issue a stop order  
17 directed to any person violating, threatening to violate, aiding or  
18 abetting the violation of, or threatening to aid or abet the violation of  
19 any commission order or regulation, or any statute that the commission  
20 has authority to administer. If the failure to issue a stop order would  
21 jeopardize the enforcement of or implementation of those statutes the  
22 commission has authority to administer, such an order may be issued ex  
23 parte or sua sponte. If a stop order is issued ex parte or sua sponte,  
24 the commission shall provide the person to whom the order is directed  
25 a hearing within 15 days after the order's issuance.

26 (b) A single commissioner may issue a temporary stop order effec-  
27 tive for a period no longer than 15 days, if he has sufficient information  
28 to establish a likelihood that the public safety will be jeopardized if  
29 such an order is not issued. A temporary stop order is considered an

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order of the commission.

(c) If, after a hearing, the commission finds that a person to whom a stop order is directed knew that such an order had been issued before violating the order, then the commission may fine that person \$1,000 for each day the violation of the order continues, or an amount equal to any revenue that person earned as a result of violating the order, whichever is greater.

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