

Offered: 2/20/85
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 133 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to transportation safety and finan-
7 cial responsibility; and providing for an effective
8 date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 42.30.200 is amended to read:
11 Sec. 42.30.200. FINANCIAL RESPONSIBILITY. (a) A person who
12 carries passengers or freight for hire intrastate or a person who
13 carries freight in a motor vehicle for commercial purposes shall
14 procure and maintain security in the following amounts:
15 (1) \$200,000 for property damage in a single occurrence;
16 (2) \$500,000 for bodily injury or death in a single occur-
17 rence if a person operates a motor vehicle; and
18 (3) \$300,000 per seat for bodily injury or death in a
19 single occurrence if a person operates an aircraft [AN AMOUNT DE-
20 TERMINED BY THE DEPARTMENT OF PUBLIC SAFETY AS NECESSARY FOR THE
21 REASONABLE PROTECTION OF THE PUBLIC AGAINST DAMAGES OR INJURY CAUSED
22 BY THE PERSON].
23 (b) Evidence of security required under (a) of this section
24 shall be filed with the department and must be
25 (1) a policy or certificate of insurance issued by an
26 insurer acceptable to the department; [OR]
27 (2) a bond of a surety company licensed to write surety
28 bonds in the state; [OR]
29 (3) evidence accepted by the department, showing ability to

1 self-insure; or

2 (4) other security approved by the department.

3 (c) The department may authorize department personnel [ENFORCE-
4 MENT OFFICERS] to enforce this section and may adopt regulations
5 necessary to implement this section.

6 * Sec. 2. AS 42.30.200 is amended by adding new subsections to read:

7 (d) A policy of insurance submitted as proof of financial
8 responsibility under AS 42.30.225(a)(1), a surety bond, or other form
9 of security may not be cancelled on less than 30 days' written notice
10 to the department. This requirement must be clearly stated in the
11 policy or endorsement. The 30-day notice period is measured from the
12 date on which the department receives notice.

13 (e) A person who knowingly violates (a) of this section is
14 guilty of a class B misdemeanor and is punishable by a fine of not
15 less than \$500 or more than \$1,000.

16 (f) This section applies only to a person who carries passengers
17 or freight for hire in a motor vehicle weighing 10,000 pounds or more,
18 or a propeller or jet-powered aircraft.

19 * Sec. 3. AS 42.30 is amended by adding new sections to read:

20 Sec. 42.30.225. CERTIFICATION OF COMPLIANCE OF AIR CARRIERS.

21 (a) A person may not engage in air commerce without obtaining a
22 certificate of compliance from the department. The department shall
23 issue a certificate of compliance upon application and presentation of

24 (1) proof of financial responsibility required under
25 AS 42.30.200;

26 (2) proof of compliance with Federal Aviation Administra-
27 tion requirements, and, where applicable, federal certification for
28 scheduled airline service.

29 (b) A person who receives a certificate of compliance under (a)

1 of this section shall renew the certificate annually.

2 (c) Each aircraft owned or leased by a person subject to the
3 provisions of this section must have a certificate of compliance
4 issued by the department before the aircraft is used in air commerce.
5 The certificate is valid for a period of 12 months following the date
6 of certification. The certificate must be displayed on the aircraft
7 so that it is visible to boarding passengers.

8 (d) A federally-certificated interstate air carrier that pro-
9 vides intrastate service between points in the state on an interstate
10 or foreign route, and who uses, for that intrastate service, aircraft
11 based primarily outside the state, must also obtain a certificate of
12 compliance for each aircraft used in intrastate service.

13 (e) Use of an aircraft in air commerce before obtaining a cer-
14 tificate of compliance required under (a) of this section may be cause
15 for suspension or revocation of the certificate.

16 (f) An air carrier, who before the effective date of this Act,
17 obtained a certificate to operate from the Alaska Transportation
18 Commission, is not required to obtain a certificate of compliance
19 under (a) of this section until the date on which the insurance policy
20 on each aircraft must be renewed.

21 (g) The department may authorize department personnel to enforce
22 this section and may adopt procedural regulations necessary to imple-
23 ment this section.

24 ARTICLE 6. MOTOR VEHICLE SAFETY INSPECTIONS.

25 Sec. 42.30.300. MOTOR VEHICLE SAFETY INSPECTIONS. (a) A motor
26 vehicle may not be operated in this state without a certificate of
27 inspection. An owner of a motor vehicle shall renew a certificate of
28 inspection at least once a year at an official inspection station
29 under AS 42.30.320. An owner of a motor vehicle shall display a

1 sticker of inspection visible from outside the vehicle in a location
2 determined by the department.

3 (b) The commissioner of commerce and economic development may
4 adopt regulations necessary to implement this section.

5 Sec. 42.30.310. EXEMPTIONS. A motor vehicle is exempt from the
6 requirements of AS 42.30.300 if it is owned by the government of the
7 United States of America.

8 Sec. 42.30.320. OFFICIAL INSPECTION STATIONS. (a) A person may
9 not operate an inspection station without a permit from the depart-
10 ment. The department shall approve an application for permit to
11 operate an inspection station if

12 (1) the department determines the inspection station has
13 proper equipment and competent personnel; and

14 (2) a certified vehicle inspector under AS 42.30.330 is
15 employed at the inspection station.

16 (b) After the department approves an application for permit to
17 operate an official inspection station under (a) of this section, it
18 shall provide the applicant with a permit, certificates of inspection,
19 and inspection stickers.

20 (c) Upon receipt of a permit from the department under (b) of
21 this section, the operator of an official inspection station shall
22 post the permit in a conspicuous place at the location designated by
23 the department.

24 (d) The department may enter the premises of the operator of an
25 official inspection station at any time to inspect the work of the
26 certified vehicle inspectors under AS 42.30.330 or to determine if the
27 operator continues to meet the requirements of this section.

28 (e) The department shall suspend or revoke a permit of an opera-
29 tor of an official inspection station if the operator fails to meet

1 the requirements of this section.

2 (f) Upon notice of suspension or revocation of a permit under
3 (e) of this section, the operator of an official inspection station
4 shall immediately terminate all inspection activities, and on demand
5 by the department, return the permit and all certificates of inspec-
6 tion. The department shall issue a receipt for all unused certifi-
7 cates of inspection.

8 (g) If a permit is suspended or revoked under (e) of this sec-
9 tion, the department shall give an operator of an official inspection
10 station a hearing, upon written request filed with the department
11 within 10 days after suspension or revocation.

12 (h) A permit to operate an official inspection station may not
13 be assigned, transferred, or used at a location other than the lo-
14 cation designated by the department.

15 Sec. 42.30.330. CERTIFICATION OF VEHICLE INSPECTORS. (a) A
16 person may not conduct a motor vehicle inspection at an official
17 inspection station under AS 42.30.320 unless certified as a vehicle
18 inspector by the department.

19 (b) The department may suspend the certification issued to a
20 vehicle inspector under (a) of this section if the vehicle inspector
21 improperly conducted inspections or failed to comply with a provision
22 of this section or regulations adopted under it.

23 (c) If a certificate is denied or suspended under (b) of this
24 section the department shall give a vehicle inspector a hearing upon
25 written request filed with the commissioner within 10 days after
26 denial or suspension.

27 Sec. 42.30.340. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A
28 person operating an official inspection station shall issue a certifi-
29 cate of inspection to the owner of a motor vehicle after determining

1 the motor vehicle is in a safe and mechanically sound condition.

2 (b) A person operating an official inspection station shall keep
3 a record of each inspection performed at the station and the depart-
4 ment may audit the records of an official inspection station at any
5 time.

6 Sec. 42.30.350. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.

7 (a) A person may not represent a place as an official inspection
8 station unless the station is operating under a valid permit issued by
9 the department under AS 42.30.320.

10 (b) A person may not issue a certificate of inspection unless
11 holding a valid permit under AS 42.30.320.

12 Sec. 42.30.360. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A
13 person may not make, issue, or knowingly use an imitation or counter-
14 feit of an official certificate of inspection.

15 (b) A person may not knowingly display or issue a certificate
16 of inspection on a motor vehicle unless the motor vehicle has met the
17 requirements of AS 42.30.340.

18 Sec. 42.30.370. VIOLATION A MISDEMEANOR. A person who knowingly
19 violates a provision of AS 42.30.300 - 42.30.360 is guilty of a class
20 B misdemeanor.

21 Sec. 42.30.380. DEFINITIONS. In AS 42.30.200 - 42.30.380,

22 (1) "air carrier" means a person undertaking to engage in
23 air commerce, whether directly or indirectly, or by lease, contract,
24 or any other arrangement, and whether over regular or irregular
25 routes;

26 (2) "air commerce" means carriage by aircraft of persons or
27 freight, for compensation or hire, in intrastate commerce, including
28 the carriage by aircraft of persons or freight that move partly by
29 aircraft and partly by other forms of transportation;

1 (3) "aircraft" means a device used or designed for flight
2 in the air;

3 (4) "department" means the Department of Commerce and
4 Economic Development;

5 (5) "freight" means all commodities, articles, and cargo,
6 of whatever nature or value, excluding garbage and trash;

7 (6) "motor vehicle" means a truck of more than 10,000
8 pounds unladen gross vehicle weight used upon a public highway.

9 * Sec. 4. Notwithstanding the amendment to AS 42.30.200(a)(3) made by
10 sec. 1 of this Act, until July 1, 1985, a person to whom AS 42.30.200
11 applies need only maintain security in the amount of \$100,000 per seat for
12 bodily injury or death in a single occurrence if a person operates an
13 aircraft.

14 * Sec. 5. AS 44.33.020 is amended by adding a new paragraph to read:

15 (27) implement the financial responsibility requirements for
16 motor vehicles and air carriers under AS 42.30.200 and 43.30.225.

17 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).