

Offered: 4/9/85  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE  
2 SENATE CS FOR 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 28.10.041(a) is amended to read:  
11 (a) The department may refuse to register a vehicle if  
12 (1) the application contains a false or fraudulent state-  
13 ment;  
14 (2) the applicant fails to furnish information required by  
15 the department;  
16 (3) the applicant is not entitled to the issuance of a  
17 certificate of title or registration under this chapter;  
18 (4) the vehicle is determined to be mechanically unsafe to  
19 be driven or moved on a highway, vehicular way or area, or other  
20 public property in this state;  
21 (5) the department has reasonable grounds to believe that  
22 the vehicle was stolen or fraudulently acquired or that the granting  
23 of registration would be a fraud against the rightful owner or other  
24 person having a valid lien upon the vehicle;  
25 (6) the registration of the vehicle has been suspended or  
26 revoked for any reason under the laws of this state;  
27 (7) the required fees, taxes, motor freight carrier fees or  
28 bus transportation fees have not been paid;  
29 (8) the vehicle or applicant fails to comply with this

1 chapter or regulations authorized by this section;

2 (9) the vehicle is without a certificate of inspection  
3 required under AS 42.30.300.

4 \* Sec. 2. AS 42.30.200 is amended to read:

5 Sec. 42.30.200. FINANCIAL RESPONSIBILITY. (a) A person who  
6 carries passengers or freight for hire intrastate in a motor vehicle  
7 or an aircraft, or a person who carries freight in a motor vehicle for  
8 commercial purposes, or a person who rents or leases a motor vehicle  
9 for the use of another to carry freight shall procure and maintain  
10 security in the following minimum amounts:

11 (1) \$200,000 for property damage in a single occurrence;

12 (2) \$500,000 for bodily injury or death in a single occur-  
13 rence if a person operates a motor vehicle; and

14 (3) \$100,000 per seat for bodily injury or death in a  
15 single occurrence if a person operates an aircraft [AN AMOUNT DE-  
16 TERMINED BY THE DEPARTMENT OF PUBLIC SAFETY AS NECESSARY FOR THE  
17 REASONABLE PROTECTION OF THE PUBLIC AGAINST DAMAGES OR INJURY CAUSED  
18 BY THE PERSON].

19 (b) Evidence of security required under (a) of this section  
20 shall be filed with the department and must be

21 (1) a policy or certificate of insurance issued by an  
22 insurer acceptable to the department; or

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

25 (3) evidence accepted by the department, showing ability to  
26 self-insure; or

27 (4) other security approved by the department.

28 (c) The department may authorize department personnel [ENFORCE-  
29 MENT OFFICERS] to enforce this section and may adopt procedural

1 regulations necessary to implement this section.

2 \* Sec. 3. AS 42.30.200 is amended by adding new subsections to read:

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

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

12 \* Sec. 4. AS 42.30 is amended by adding new sections to read:

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

14 (a) A person may not use an aircraft in air commerce before obtaining  
15 an annual certificate of compliance for that aircraft from the depart-  
16 ment. The department shall issue or renew a certificate of compliance  
17 upon application and presentation of

18 (1) proof of financial responsibility required under  
19 AS 42.30.200;

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

23 (b) The annual fee for a certificate of compliance is \$50. The  
24 certificate is valid for a period of 12 months following the date of  
25 certification. The certificate shall be displayed on the aircraft so  
26 that it is visible to boarding passengers.

27 (c) A federally-certificated interstate air carrier that pro-  
28 vides intrastate service between points in the state on an interstate  
29 or foreign route, and who uses, for that intrastate service, aircraft

1 based primarily outside the state, shall also obtain a certificate of  
2 compliance for each aircraft used in intrastate service.

3 (d) Use of an aircraft in air commerce before obtaining a cer-  
4 tificate of compliance required under (a) of this section may be cause  
5 for denial of the certificate.

6 (e) A person who has obtained a certificate to use an aircraft  
7 in air commerce from the Alaska Transportation Commission before the  
8 effective date of this Act is not required to obtain a certificate of  
9 compliance under (a) of this section until the date the insurance  
10 policy for the aircraft is renewed.

11 (f) The department may authorize department personnel to enforce  
12 this section and may adopt procedural regulations necessary to imple-  
13 ment this section.

14 ARTICLE 6. MOTOR VEHICLE SAFETY INSPECTIONS.

15 Sec. 42.30.300. MOTOR VEHICLE SAFETY INSPECTIONS. (a) A motor  
16 vehicle may not be operated without a certificate of inspection. An  
17 owner of a motor vehicle shall renew a certificate of inspection at  
18 least twice a year at an official inspection station under AS 42.30.-  
19 320. An owner of a motor vehicle shall display a sticker of inspec-  
20 tion visible from outside the vehicle in a location determined by the  
21 department.

22 (b) The commissioner of commerce and economic development may  
23 adopt procedural regulations appropriate to achieve reciprocity with  
24 other western states and procedural regulations necessary to implement  
25 this section.

26 Sec. 42.30.310. EXEMPTIONS. A motor vehicle is exempt from the  
27 requirements of AS 42.30.300 if it is

- 28 (1) owned by the federal government;  
29 (2) owned and operated by a person who uses the motor

1 vehicle exclusively for other than commercial purposes; or

2 (3) is driven or moved on a highway, vehicular way, or a  
3 public parking place in the state that is not connected by a land  
4 highway or vehicular way to

5 (A) the land-connected state highway system, or

6 (B) a highway or vehicular way with an average daily  
7 traffic volume greater than 499.

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 and certificates of inspec-  
19 tion.

20 (c) Upon receipt of a permit from the department under (a) 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 inspect a motor vehicle or enter the  
25 premises of an official inspection station at any time to inspect the  
26 work of the certified vehicle inspectors under AS 42.30.330 or to  
27 determine if the operator continues to meet the requirements of this  
28 section.

29 (e) The department shall suspend or revoke a permit of an

1 operator of an official inspection station if the operator fails to  
2 meet the requirements of this section.

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

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

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

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

20 (b) The department may suspend or revoke the certification  
21 issued to a vehicle inspector under (a) of this section if the vehicle  
22 inspector improperly conducts inspections or fails to comply with a  
23 provision of this section.

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

28 Sec. 42.30.340. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A  
29 person operating an official inspection station shall issue a

1 certificate of inspection to the owner of a motor vehicle after deter-  
2 mining the motor vehicle is in a safe and mechanically sound  
3 condition.

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

8 Sec. 42.30.350. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.  
9 (a) A person may not represent a place as an official inspection  
10 station unless the station is operating under a valid permit issued by  
11 the department under AS 42.30.320.

12 (b) A person may not issue a certificate of inspection unless  
13 the person holds a valid permit under AS 42.30.320.

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

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

20 Sec. 42.30.370. VIOLATION A MISDEMEANOR. A person who violates  
21 a provision of AS 42.30.300 - 42.30.360 is guilty of a class B misde-  
22 meanor.

23 Sec. 42.30.380. DEFINITIONS. (a) In AS 42.30.200 - 42.30.380,  
24 (1) "air carrier" means a person undertaking to engage in  
25 air commerce, whether directly or indirectly, or by lease, contract,  
26 or any other arrangement, and whether over regular or irregular  
27 routes;

28 (2) "air commerce" means carriage by aircraft of persons or  
29 freight, for compensation or hire, in intrastate commerce, including

1 the carriage by aircraft of persons or freight that move partly by  
2 aircraft and partly by other forms of transportation;

3 (3) "aircraft" means a propeller or jet-powered device used  
4 or designed for flight in the air;

5 (4) "commercial purposes" means activities for which the  
6 person receives direct monetary compensation and does not include  
7 activities incidental to and done in furtherance of the person's  
8 primary business;

9 (5) "department" means the Department of Commerce and  
10 Economic Development;

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

13 (7) "highway" has the meaning given in AS 28.40.100;

14 (8) "motor vehicle" means

15 (A) a truck of more than 10,000 pounds unladen gross  
16 vehicle weight used upon a public highway of this state; and

17 (B) a trailer registered in this state of more than  
18 5,000 pounds unladen gross vehicle weight and used upon a public  
19 highway of this state;

20 (9) "vehicular way" has the meaning given in AS 28.40.100.

21 (b) In AS 42.30.300 - 42.30.370, "motor vehicle" includes a  
22 school bus.

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

24 (27) implement the safety and financial responsibility  
25 requirements for motor vehicles and air carriers under AS 42.30.200 -  
26 42.30.380.

27 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.-  
28 10.070(c).