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Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE CONFERENCE COMMITTEE
2 CONFERENCE CS FOR HOUSE BILL NO. 133
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 by adding a new paragraph to
11 read:
12 (9) the vehicle is without a certificate of inspection
13 required under AS 28.32.010.
14 * Sec. 2. AS 28.15.041 is amended by adding a new subsection to read:
15 (c) A person may not drive a commercial motor vehicle until the
16 person applies for and is issued a license for that purpose under (a)
17 of this section. The department may not issue a license under this
18 subsection unless the applicant is at least 19 years of age, has held
19 a valid driver's license at least one year, and has successfully
20 completed all required driving tests and written and physical examina-
21 tions. In this subsection, "commercial motor vehicle" has the meaning
22 given in AS 28.32.900.
23 * Sec. 3. AS 28 is amended by adding a new chapter to read:
24 CHAPTER 32. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS.
25 Sec. 28.32.010. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS. A
26 commercial motor vehicle may not be operated after January 1, 1986
27 without a certificate of inspection. An owner of a commercial motor
28 vehicle shall renew a certificate of inspection at least semi-annually
29 at an official inspection station under AS 28.32.030. The owner may

1 renew a certificate of inspection at any time during the office hours
2 of the inspection station. An owner of a commercial motor vehicle
3 shall display a current sticker of inspection visible from outside the
4 vehicle in a location determined by the division.

5 Sec. 28.32.020. EXEMPTIONS. A commercial motor vehicle is
6 exempt from the requirements of AS 28.32.010 if it is

7 (1) owned and operated by the federal government unless the
8 vehicle is used to transport property of the general public for com-
9 pensation in competition with other persons who own or operate a
10 commercial motor vehicle subject to this chapter, and except to the
11 extent regulation of vehicles operated by the federal government is
12 permitted by federal law;

13 (2) used exclusively to transport ranch and farm products
14 other than bulk milk; or

15 (3) customarily and historically used for commercial
16 purposes for less than 20 hours per month.

17 Sec. 28.32.030. OFFICIAL COMMERCIAL MOTOR VEHICLE INSPECTION
18 STATIONS. (a) A person may not operate an official commercial motor
19 vehicle inspection station without a permit from the division. The
20 division shall approve an application for permit to operate an in-
21 spection station if

22 (1) the division determines the inspection station has
23 proper equipment and competent personnel; and

24 (2) a commercial motor vehicle inspector certified under
25 AS 28.32.040 is employed at the inspection station.

26 (b) After the division approves an application for a permit to
27 operate an official inspection station under (a) of this section, it
28 shall provide the applicant with a permit and certificates of inspec-
29 tion.

1 (c) Upon receipt of a permit from the division under (b) of this
2 section, the operator of an official commercial motor vehicle inspec-
3 tion station shall post the permit in a conspicuous place at the
4 location designated by the division.

5 (d) The division may enter the premises of the operator of an
6 official commercial motor vehicle inspection station during the
7 station's business hours to inspect the work of a certified commercial
8 motor vehicle inspector or to determine if the operator continues to
9 meet the requirements of this section.

10 (e) The division shall suspend or revoke a permit of an operator
11 of an official commercial motor vehicle inspection station if the
12 operator fails to meet the requirements of this section.

13 (f) Upon notice of suspension or revocation of a permit under
14 (e) of this section, the operator of an official commercial motor
15 vehicle inspection station shall immediately terminate all inspection
16 activities and, on demand by the division, return the permit and all
17 unissued certificates of inspection. The division shall issue a
18 receipt for all returned certificates of inspection.

19 (g) If a permit is suspended or revoked under (e) of this sec-
20 tion, the division shall give the holder of the permit a hearing
21 within 10 days after receipt of a written request filed with the
22 division within 30 days after suspension or revocation.

23 (h) A permit to operate an official commercial motor vehicle
24 inspection station may not be assigned, transferred, or used at a
25 location other than the location designated by the division.

26 Sec. 28.32.040. CERTIFICATION OF COMMERCIAL MOTOR VEHICLE IN-
27 SPECTORS. (a) A person may not conduct a commercial motor vehicle
28 inspection at an official inspection station under AS 28.32.030 unless
29 certified as a commercial motor vehicle inspector by the division.

1 (b) The division may suspend or revoke the certification issued
2 to a commercial motor vehicle inspector under (a) of this section if
3 the commercial motor vehicle inspector improperly conducts inspections
4 or fails to comply with a provision of this section.

5 (c) If a certificate is revoked or suspended under (b) of this
6 section the division shall give a commercial motor vehicle inspector a
7 hearing within 10 days after the receipt of a written request filed
8 with the commissioner within 30 days after revocation or suspension.

9 Sec. 28.32.050. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A
10 person operating an official commercial motor vehicle inspection
11 station shall issue a certificate of inspection to the owner of a
12 commercial motor vehicle after determining that the commercial motor
13 vehicle is in a safe and mechanically sound condition.

14 (b) A person operating an official commercial motor vehicle
15 inspection station shall keep a record of each inspection performed at
16 the station. The division may audit the records of an official in-
17 spection station at any time.

18 Sec. 28.32.060. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.
19 (a) A person may not represent a place as an official commercial
20 motor vehicle inspection station unless the station is operating under
21 a valid permit issued by the division under AS 28.32.030.

22 (b) A person may not issue a certificate of inspection under
23 AS 28.32.050 unless the person holds a valid permit under AS 28.-
24 32.030.

25 Sec. 28.32.070. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A
26 person may not make, issue, or knowingly use an imitation or counter-
27 feit of an official certificate of inspection.

28 (b) A person may not knowingly display or issue a certificate
29 of inspection on a commercial motor vehicle unless the commercial

1 motor vehicle has met the requirements of AS 28.32.050(a).

2 Sec. 28.32.080. DUTIES OF COMMISSIONER. The commissioner of
3 public safety shall adopt procedural regulations appropriate to
4 achieve compatibility with other western states and procedural
5 regulations necessary to implement this chapter.

6 Sec. 28.32.090. VIOLATION A MISDEMEANOR. A person who violates
7 a provision of this chapter is guilty of a class B misdemeanor.

8 Sec. 28.32.900. DEFINITIONS. In this chapter,

9 (1) "commercial motor vehicle" means a vehicle used by the
10 owner or another person for commercial purposes upon a highway or
11 vehicular way with a daily traffic volume greater than 499 that is a
12 part of the state highway system or is connected by another highway or
13 vehicular way to the state highway system, if the vehicle is

14 (A) a school bus;

15 (B) a state or local government vehicle of more than
16 10,000 pounds unladen gross weight;

17 (C) a truck or bus of more than 10,000 pounds unladen
18 gross weight; or

19 (D) a trailer of 5,000 pounds or more unladen gross
20 weight attached to a vehicle described in (C) of this paragraph;

21 (2) "commercial purposes" means activities for which a
22 person receives direct monetary compensation or activities for which a
23 person receives no direct monetary compensation but are incidental to
24 and done in furtherance of the person's primary business;

25 (3) "division" means the division of motor vehicles, De-
26 partment of Public Safety.

27 * Sec. 4. AS 28 is amended by adding a new chapter to read:

28 CHAPTER 33. COMMERCIAL MOTOR VEHICLE FINANCIAL RESPONSIBILITY.

29 Sec. 28.33.010. FINANCIAL RESPONSIBILITY. (a) A person who

1 carries passengers or freight for hire intrastate in a commercial
2 motor vehicle or a person who carries freight in a motor vehicle for
3 commercial purposes, or a person who rents or leases a motor vehicle
4 for the use of another to carry freight shall procure and maintain
5 security in the following minimum amounts:

6 (1) \$200,000 for property damage in a single occurrence;

7 (2) \$500,000 for bodily injury or death in a single occur-
8 rence.

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

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

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

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

17 (4) other security approved by the department.

18 (c) The department may authorize department personnel to enforce
19 this section and may adopt procedural regulations necessary to imple-
20 ment this section.

21 (d) A policy of insurance, surety bond, or other form of securi-
22 ty may not be cancelled on less than 30 days' written notice to the
23 department. This requirement must be clearly stated in the policy or
24 endorsement for an insurance policy submitted as proof of financial
25 responsibility under AS 42.30.225(a)(1). The 30-day notice period is
26 measured from the date on which the department receives notice.

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

1 (f) In this section "freight" means commodities, articles, and
2 cargo, of whatever nature or value.

3 * Sec. 5. AS 42.30.200 is amended to read:

4 Sec. 42.30.200. AIR CARRIER FINANCIAL RESPONSIBILITY. (a) A
5 person who carries passengers or freight for commercial purposes
6 [HIRE] intrastate in an aircraft shall procure and maintain security
7 in the following minimum amounts:

8 (1) \$150,000 per seat for bodily injury or death in a
9 single occurrence; and

10 (2) \$100,000 for property damage in a single occurrence [AN
11 AMOUNT DETERMINED BY THE DEPARTMENT OF PUBLIC SAFETY AS NECESSARY FOR
12 THE REASONABLE PROTECTION OF THE PUBLIC AGAINST DAMAGES OR INJURY
13 CAUSED BY THE PERSON].

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

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

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

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

22 (4) other security approved by the department.

23 (c) The department may authorize department personnel [ENFORCE-
24 MENT OFFICERS] to enforce this section and may adopt procedural regu-
25 lations necessary to implement this section.

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

27 (d) A policy of insurance, surety bond, or other form of secur-
28 ity may not be cancelled on less than 30 days' written notice to the
29 department. This requirement must be clearly stated in the policy or

1 endorsement for an insurance policy submitted as proof of financial
2 responsibility under AS 42.30.225(a)(1). The 30-day notice period is
3 measured from the date on which the department receives notice.

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

7 * Sec. 7. AS 42.30 is amended by adding new sections to read:

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

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

13 (1) proof of financial responsibility required under
14 AS 42.30.200;

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

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

22 (c) Use of an aircraft in air commerce before obtaining a cer-
23 tificate of compliance required under (a) of this section may be cause
24 for denial of the certificate.

25 (d) A person who has obtained a certificate to use an aircraft
26 in air commerce from the Alaska Transportation Commission before the
27 effective date of this Act is not required to obtain a certificate of
28 compliance under (a) of this section until the date the insurance
29 policy for the aircraft is renewed.

1 (e) The department may authorize department personnel to enforce
2 this section and may adopt procedural regulations necessary to imple-
3 ment this section.

4 Sec. 42.30.380. DEFINITIONS. (a) In AS 42.30.200 - 42.30.380,

5 (1) "air carrier" means a person undertaking to engage in
6 air commerce, whether directly or indirectly, or by lease, contract,
7 or any other arrangement, and whether over regular or irregular
8 routes;

9 (2) "air commerce" means carriage by aircraft of persons or
10 freight for commercial purposes or hire in intrastate commerce, in-
11 cluding the carriage by aircraft of persons or freight that move
12 partly by aircraft and partly by other forms of transportation;

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

15 (4) "commercial purposes" means activities for which the
16 person receives direct monetary compensation and does not include
17 activities incidental to and done in furtherance of the person's
18 primary business;

19 (5) "department" means the Department of Commerce and
20 Economic Development;

21 (6) "freight" means commodities, articles, and cargo, of
22 whatever nature or value, excluding garbage and trash.

23 * Sec. 8. AS 44.33.020 is amended by adding a new paragraph to read:

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

26 * Sec. 9. This Act takes effect immediately in accordance with AS 01.-
27 10.070(c).