

Introduced: 4/11/85  
Referred: Transportation, Health,  
Education & Social Services and  
Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2

HOUSE BILL NO. 364

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 commercial motor vehicle licens-  
7 ing and safety inspections; and providing for an  
8 effective 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 21 years of age, has held  
19 a valid driver's license at least one year, and satisfies the depart-  
20 ment's standards for competence and fitness. In this subsection,  
21 "commercial motor vehicle" has the meaning given in AS 28.32.900.

22 \* Sec. 3. AS 28 is amended by adding a new chapter to read:

23 CHAPTER 32. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS.

24 Sec. 28.32.010. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS. A  
25 commercial motor vehicle may not be operated without a certificate of  
26 inspection. An owner of a commercial motor vehicle shall renew a  
27 certificate of inspection at least semi-annually at an official  
28 inspection station under AS 28.32.030. The owner may renew a certifi-  
29 cate of inspection at any time during the office hours of the

1 inspection station. An owner of a commercial motor vehicle shall  
2 display a current sticker of inspection visible from outside the  
3 vehicle in a location determined by the department.

4 Sec. 28.32.020. EXEMPTIONS. A commercial motor vehicle is  
5 exempt from the requirements of AS 28.32.010 if it is owned and op-  
6 erated by the federal government unless the vehicle is used to trans-  
7 port property of the general public for compensation in competition  
8 with other persons who own or operate a commercial motor vehicle  
9 subject to this chapter, and except to the extent regulation of vehic-  
10 les operated by the federal government is permitted by federal law.

11 Sec. 28.32.030. OFFICIAL COMMERCIAL MOTOR VEHICLE INSPECTION  
12 STATIONS. (a) A person may not operate an official commercial motor  
13 vehicle inspection station without a permit from the department. The  
14 department shall approve an application for permit to operate an  
15 inspection station if

16 (1) the department determines the inspection station has  
17 proper equipment and competent personnel; and

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

20 (b) After the department approves an application for a permit to  
21 operate an official inspection station under (a) of this section, it  
22 shall provide the applicant with a permit and certificates of inspec-  
23 tion.

24 (c) Upon receipt of a permit from the department under (b) of  
25 this section, the operator of an official commercial motor vehicle  
26 inspection station shall post the permit in a conspicuous place at the  
27 location designated by the department.

28 (d) The department may enter the premises of the operator of an  
29 official commercial motor vehicle inspection station during the

1 station's business hours to inspect the work of a certified commercial  
2 motor vehicle inspector or to determine if the operator continues to  
3 meet the requirements of this section.

4 (e) The department shall suspend or revoke a permit of an opera-  
5 tor of an official commercial motor vehicle inspection station if the  
6 operator fails to meet the requirements of this section.

7 (f) Upon notice of suspension or revocation of a permit under  
8 (e) of this section, the operator of an official commercial motor  
9 vehicle inspection station shall immediately terminate all inspection  
10 activities and, on demand by the department, return the permit and all  
11 unissued certificates of inspection. The department shall issue a  
12 receipt for all returned certificates of inspection.

13 (g) If a permit is suspended or revoked under (e) of this sec-  
14 tion, the department shall give the holder of the permit a hearing  
15 within 10 days after receipt of a written request filed with the  
16 department within 30 days after suspension or revocation.

17 (h) A permit to operate an official commercial motor vehicle  
18 inspection station may not be assigned, transferred, or used at a  
19 location other than the location designated by the department.

20 Sec. 28.32.040. CERTIFICATION OF COMMERCIAL MOTOR VEHICLE IN-  
21 SPECTORS. (a) A person may not conduct a commercial motor vehicle  
22 inspection at an official inspection station under AS 28.32.030 unless  
23 certified as a commercial motor vehicle inspector by the department.

24 (b) The department may suspend or revoke the certification  
25 issued to a commercial motor vehicle inspector under (a) of this  
26 section if the commercial motor vehicle inspector improperly conducts  
27 inspections or fails to comply with a provision of this section.

28 (c) If a certificate is revoked or suspended under (b) of this  
29 section the department shall give a commercial motor vehicle inspector

1 a hearing within 10 days after the receipt of a written request filed  
2 with the commissioner within 30 days after revocation or suspension.

3 Sec. 28.32.050. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A  
4 person operating an official commercial motor vehicle inspection  
5 station shall issue a certificate of inspection to the owner of a  
6 commercial motor vehicle after determining that the commercial motor  
7 vehicle is in a safe and mechanically sound condition.

8 (b) A person operating an official commercial motor vehicle  
9 inspection station shall keep a record of each inspection performed at  
10 the station and the department may audit the records of an official  
11 inspection station at any time.

12 Sec. 28.32.060. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.  
13 (a) A person may not represent a place as an official commercial  
14 motor vehicle inspection station unless the station is operating under  
15 a valid permit issued by the department under AS 28.32.030.

16 (b) A person may not issue a certificate of inspection under  
17 AS 28.32.050 unless the person holds a valid permit under  
18 AS 28.32.030.

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

22 (b) A person may not knowingly display or issue a certificate  
23 of inspection on a commercial motor vehicle unless the commercial  
24 motor vehicle has met the requirements of AS 28.32.050(a).

25 Sec. 28.32.080. DUTIES OF COMMISSIONER. The commissioner of  
26 public safety shall adopt necessary regulations to implement the  
27 safety requirements for the commercial motor vehicle inspection  
28 program under this chapter.

29 Sec. 28.32.090. VIOLATION A MISDEMEANOR. A person who violates

1 a provision of this chapter is guilty of a class B misdemeanor.

2 Sec. 28.32.900. DEFINITIONS. (a) In this chapter,

3 (1) "commercial motor vehicle" means a truck or bus of more  
4 than 10,000 pounds unladen gross vehicle weight used by the owner or  
5 another person for commercial purposes used upon

6 (A) the state highway system;

7 (B) a highway or vehicular way connected by another  
8 highway or vehicular way to the state highway system; or

9 (C) a highway or vehicular way with an average daily  
10 traffic volume greater than 499;

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

15 (3) "department" means the Department of Public Safety;

16 (4) "freight" means commodities, articles, and cargo, of  
17 whatever nature or value, excluding garbage and trash.

18 (b) In this chapter "commercial motor vehicle" includes a school  
19 bus and a state or local government vehicle.

20 \* Sec. 4. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF JANUARY 1,  
21 1986. Notwithstanding AS 28.15.041(c) as enacted by sec. 2 of this Act, a  
22 person born on or before December 31, 1966, is eligible for a license to  
23 drive a commercial motor vehicle as defined in AS 28.32.900 if the person  
24 otherwise meets the requirements of AS 28.15.041 and regulations adopted by  
25 the commissioner of public safety under that section.

26 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
27 10.070(c).