

Offered: 4/24/85
Referred: Finance

Original sponsor: Transportation Committee

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 364 (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 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. In this chapter,

3 (1) "commercial motor vehicle" means a vehicle used by the
4 owner or another person for commercial purposes upon the state highway
5 system, a vehicular way connected by another highway or vehicular way
6 to the state highway system, or a highway or vehicular way with an
7 average daily traffic volume greater than 499, if the vehicle is

8 (A) a school bus;

9 (B) a state or local government vehicle;

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

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

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

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

19 (4) "freight" means commodities, articles, and cargo, of
20 whatever nature or value.

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

27 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
28 10.070(c).