

Offered: 2/22/85
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE
2 CS FOR SENATE BILL NO. 103 (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 minimum 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 procedural regu-
5 lations 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, surety bond, or other form of secur-
8 ity may not be cancelled on less than 30 days' written notice to the
9 department. For insurance policies submitted as proof of financial
10 responsibility under AS 42.30.225(a)(1) this requirement must be
11 clearly stated in the policy or endorsement. The 30-day notice period
12 is measured from the date on which the department receives notice.

13 (e) A person who violates (a) of this section is guilty of a
14 class B misdemeanor and is punishable by a fine of not less than \$500
15 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 use an aircraft in air commerce without obtain-
22 ing a certificate of compliance from the department. The department
23 shall issue a certificate of compliance upon application and presenta-
24 tion of

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

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

1 (b) A person who receives a certificate of compliance under (a)
2 of this section shall renew the certificate annually. The annual fee
3 for a certificate of compliance shall be \$50.

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

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

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

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

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

26 ARTICLE 6. MOTOR VEHICLE SAFETY INSPECTIONS.

27 Sec. 42.30.300. MOTOR VEHICLE SAFETY INSPECTIONS. (a) A motor
28 vehicle may not be operated on the public highways of this state
29 without a certificate of inspection. A certificate of vehicle

1 registration may not be issued to a motor vehicle under AS 28.10.041-
2 (a)(4) without a current certificate of inspection if the motor
3 vehicle is required to obtain a certificate of inspection under this
4 section. An owner of a motor vehicle shall renew a certificate of
5 inspection at least twice a year at an official inspection station
6 under AS 42.30.320. An owner of a motor vehicle shall display a
7 sticker of inspection visible from outside the vehicle in a location
8 determined by the department.

9 (b) The commissioner of commerce and economic development may
10 adopt procedural regulations appropriate to achieve reciprocity with
11 other western states and necessary to implement this section.

12 Sec. 42.30.310. EXEMPTIONS. A motor vehicle is exempt from the
13 requirements of AS 42.30.300 if it is owned by the government of the
14 United States of America.

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

19 (1) the department determines the inspection station has
20 proper equipment and competent personnel; and

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

23 (b) After the department approves an application for permit to
24 operate an official inspection station under (a) of this section, it
25 shall provide the applicant with a permit, certificates of inspection,
26 and inspection stickers.

27 (c) Upon receipt of a permit from the department under (c) of
28 this section, the operator of an official inspection station shall
29 post the permit in a conspicuous place at the location designated by

1 the department.

2 (d) The department may inspect a motor vehicle or enter the
3 premises of the operator of an official inspection station at any time
4 to inspect the work of the certified vehicle inspectors under AS 42.-
5 30.330 or to determine if the operator continues to meet the require-
6 ments of this section.

7 (e) The department shall suspend or revoke a permit of an opera-
8 tor of an official inspection station if the operator fails to meet
9 the requirements of this section.

10 (f) Upon notice of suspension or revocation of a permit under
11 (e) of this section, the operator of an official inspection station
12 shall immediately terminate all inspection activities, and on demand
13 by the department, return the permit and all certificates of inspec-
14 tion. The department shall issue a receipt for all unused certifi-
15 cates of inspection.

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

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

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

27 (b) The department may suspend the certification issued to a
28 vehicle inspector under (a) of this section if the vehicle inspector
29 improperly conducted inspections or failed to comply with a provision

1 of this section or regulations adopted under it.

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

6 Sec. 42.30.340. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A
7 person operating an official inspection station shall issue a certifi-
8 cate of inspection to the owner of a motor vehicle after determining
9 the motor vehicle is in a safe and mechanically sound condition.

10 (b) A person operating an official inspection station shall keep
11 a record of each inspection performed at the station and the depart-
12 ment may audit the records of an official inspection station at any
13 time.

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

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

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

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

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

26 Sec. 42.30.370. VIOLATION A MISDEMEANOR. A person who violates
27 a provision of AS 42.30.300 - 42.30.360 is guilty of a class B misde-
28 meanor.

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

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

5 (2) "air commerce" means carriage by aircraft of persons or
6 freight, for compensation or hire, in intrastate commerce, including
7 the carriage by aircraft of persons or freight that move partly by
8 aircraft and partly by other forms of transportation;

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

11 (4) "commercial purposes" means something for which the
12 person receives direct monetary compensation;

13 (5) "department" means the Department of Commerce and
14 Economic Development;

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

17 (7) "motor vehicle" means

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

20 (B) a trailer registered in this state of more than
21 5,000 pounds unladen gross vehicle weight and used upon a public
22 highway of this state.

23 * Sec. 4. Notwithstanding AS 42.30.200(a)(3) enacted by sec. 1 of this
24 Act, until July 1, 1985, a person to whom AS 42.30.200 applies need only
25 maintain security in the amount of \$100,000 a seat for bodily injury or
26 death in a single occurrence if a person operates an aircraft.

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

28 (27) implement the financial responsibility requirements for
29 motor vehicles and air carriers under AS 42.30.200 - 43.30.225.

1 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
2 10.070(c).