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Referred: Health, Education and Social Services
and Judiciary

go01079s

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

1 IN THE SENATE

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SENATE BILL NO. 368

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to commercial motor vehicle in-
7 spections."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 28.32.010 is amended by adding a new subsection to
10 read:

11 (b) A peace officer, or an employee of the department who is
12 authorized by the commissioner to enforce hazardous materials and
13 commercial vehicle safety regulations, may issue a citation under
14 AS 12.25.180 - 12.25.230 to a person who violates a regulation adopted
15 under AS 28.05.011(2). An employee of the department who is aut-
16 horized by the commissioner to enforce hazardous materials and commer-
17 cial vehicle safety regulations may not take a person into custody
18 under AS 12.25.180(b).

19 * Sec. 2. AS 28.32.900 is repealed and reenacted to read:

20 Sec. 28.32.900. DEFINITIONS. In this chapter,

21 (1) "commercial motor vehicle" means a motor vehicle or a
22 combination of a motor vehicle and one or more other vehicles

23 (A) used to transport passengers or property;

24 (B) used upon a highway or vehicular way connected to

25 (i) the land-connected state highway system; or

26 (ii) a land highway or vehicular way with an

27 average daily traffic volume greater than 499; and

28 (C) which

29 (i) has a gross vehicle weight rating or gross

1 combination weight rating greater than 10,000 pounds;
2 (ii) is designed to transport more than 15 passen-
3 gers, including the driver; or
4 (iii) is used in the transportation of materials
5 found by the Secretary of Transportation to be hazardous for
6 purposes of 49 U.S.C. 1801 - 1813 (Hazardous Materials
7 Transportation Act);
8 (D) except that the following vehicles meeting the
9 criteria in (A) - (C) of this paragraph are not commercial
10 vehicles:
11 (i) emergency or fire equipment that is necessary
12 to the preservation of life or property;
13 (ii) farm vehicles that are controlled and
14 operated by a farmer; used to transport agricultural
15 products, farm machinery, or farm supplies to or from that
16 farmer's farm; not used in the operations of a common or
17 contract motor carrier; and used within 150 miles of the
18 farmer's farm;
19 (iii) school buses;
20 (iv) vehicles owned and operated by the federal
21 government unless the vehicle is used to transport property
22 of the general public for compensation in competition with
23 other persons who own or operate a commercial motor vehicle
24 subject to this chapter, and except to the extent that
25 regulation of vehicles operated by the federal government is
26 permitted by federal law; and
27 (v) vehicles used exclusively for purposes other
28 than commercial purposes;
29 (2) "commercial purposes" means activities for which a

1 person receives direct monetary compensation or activities for which a
2 person receives no direct monetary compensation but which are inci-
3 dental to and done in furtherance of the person's primary business;

4 (3) "division" means the division of motor vehicles, De-
5 partment of Public Safety;

6 (4) "gross combination weight rating" means the value
7 specified by the manufacturer as the loaded weight of a combination
8 vehicle, except that if a value has not been specified by the manufac-
9 turer, the gross combination weight rating is determined by adding the
10 gross vehicle weight rating of the power unit and the total weight of
11 the towed unit and the load on the towed unit;

12 (5) "gross vehicle weight rating" means the value specified
13 by the manufacturer as the loaded weight of a single vehicle.

14 * Sec. 3. AS 28.32.020 is repealed.