

Offered: 4/5/90
Referred: Finance

gol079sE

Original sponsor(s): Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 368 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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 both 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 both hazardous materials and
17 commercial vehicle safety regulations may not take a person into
18 custody 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 AS 28.32.900 is repealed and reenacted to read: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

Following

- 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 vehi-
- 10 cles:
- 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 oper-
- 14 ated by a farmer; used to transport agricultural products,
- 15 farm machinery, or farm supplies to or from that farmer's
- 16 farm; not used in the operations of a common or contract
- 17 motor carrier; and used within 150 miles of the farmer's
- 18 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 Alaska State Troopers;

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

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

13 * Sec. 3. AS 28.32.020 is repealed.