

Offered: 4/21/90
Referred: Rules

gol079sH

Original sponsor(s): Rules/Governor

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 368 (Finance)

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; and providing for an effec-
8 tive date."

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

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

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

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 AS 28.32.900 is repealed and reenacted to read:

21 Sec. 28.32.900. DEFINITIONS. In this chapter,

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

24 (A) used to transport passengers or property;

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

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

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

28 average daily traffic volume greater than 499; and

29 (C) which

11-25-62

1 (i) has a gross vehicle weight rating or gross
2 combination weight rating greater than 10,000 pounds;

3 (ii) is designed to transport more than 15 passen-
4 gers, including the driver; or

5 (iii) is used in the transportation of materials
6 found by the Secretary of Transportation to be hazardous for
7 purposes of 49 U.S.C. 1801 - 1813 (Hazardous Materials
8 Transportation Act);

9 (D) except that the following vehicles meeting the
10 criteria in (A) - (C) of this paragraph are not commercial vehi-
11 cles:

12 (i) emergency or fire equipment that is necessary
13 to the preservation of life or property;

14 (ii) farm vehicles that are controlled and oper-
15 ated by a farmer; used to transport agricultural products,
16 farm machinery, or farm supplies to or from that farmer's
17 farm; not used in the operations of a common or contract
18 motor carrier; and used within 300 miles of the farmer's
19 farm;

20 (iii) school buses;

21 (iv) vehicles owned and operated by the federal
22 government unless the vehicle is used to transport property
23 of the general public for compensation in competition with
24 other persons who own or operate a commercial motor vehicle
25 subject to this chapter, and except to the extent that
26 regulation of vehicles operated by the federal government is
27 permitted by federal law; and

28 (v) vehicles used exclusively for purposes other
29 than commercial purposes;

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

5 (3) "division" means the division of Alaska State Troopers;

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.

15 * Sec. 4. This Act takes effect July 1, 1990.