

COMMITTEE REPORT

3/8/76

HOUSE

Mr. Speaker:

Date March 11, 1976

The Committee on FINANCE has had SB 346

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE W. W. HESS

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

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_____ recommends:

[Signature] Chairman

Introduced: 4/3/75
Referred: Health, Education
and Social Services

1 IN THE SENATE

BY RAY, MILLER AND HUBER

2 SENATE BILL NO. 346

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the applicability of the Uniform
7 Alcoholism and Intoxication Treatment Act."

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

9 * Section 1. AS 47.37.250(a) is amended to read:

10 (a) Nothing in this chapter affects a statute, ordinance, or
11 regulation relating to (1) drunken driving, driving under the influence
12 of alcohol, or other similar offenses involving alcohol and the opera-
13 tion of a vehicle, aircraft, boat, machinery, or other equipment, [OR]
14 (2) the sale, purchase, dispensation, possession, or use of alcoholic
15 beverages at specified times and places or by a particular class of
16 persons, including prohibitions against drinking intoxicating beverages
17 in specified public places, or (3) being upon the traveled portion of
18 a highway while intoxicated, so as to be a hazard to the motoring
19 public.
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(CURRENT)
REGULATIONS

§ 13 AAC 10.100

§ 13 AAC 10.115

A, Class B and Class C explosives by the Interstate Commerce Commission and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord, igniters, small arms ammunition, small arm ammunition primers, smokeless propellant, cartridges for propellant-actuated power devices and cartridges for industrial guns, and some special fireworks. Commercial explosives are those explosives which are intended to be used in a commercial or industrial operation. (Eff. before 7/28/59; am 12/15/61, reg. 3; am 8/10/66, reg. 22; am 12/31/69, reg. 31)

Authority: AS 28.05.030

Cross Reference: 13 AAC 50.010(b)(11)

13 AAC 10.100. Farm tractor. In the traffic regulations "farm tractor" means a motor vehicle designed and used primarily as a farm vehicle for drawing or moving an implement of husbandry or other machinery used exclusively by the owner for agricultural operation. (Eff. before 7/28/59; am 12/15/61, reg. 3; am 8/10/66, reg. 22; am 12/31/69, reg. 31)

Authority: AS 28.05.030

Cross Reference: AS 28.15.360(3)

13 AAC 10.105. Flammable liquid. In the traffic regulations "flammable liquid" means a liquid having a flash point below 140°F and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100°F. The term shall include, but not be limited to, a Class III A "combustible liquid," as defined in the National Fire Code, Volume 1, 1967-68, and "cutback" or heated asphalt which has or assumes a flash point of less than 200°F. (Eff. before 7/28/59; am 12/15/61, reg. 3; am 8/10/66, reg. 22; am 12/31/69, reg. 31)

Authority: AS 28.05.030

Cross Reference: 13 AAC 50.010(b)(27) and (32)

13 AAC 10.110. Gross weight. In the traffic regulations "gross weight" means the weight of a vehicle without load plus the weight of the load. (Eff. before 7/28/59; am 12/15/61, reg. 3; am 8/10/66, reg. 22; am 12/31/69, reg. 31)

Authority: AS 28.05.030

13 AAC 10.115. Highway. In the traffic regulations and in AS 28.05.010-030, AS 28.20, AS 28.25, AS 28.35.140, AS 28.35.200-210, AS 28.35.250-260 "highway" means the entire width between property lines of every way or place, of whatever nature when a part or all is open to the public as a matter of right for purpose of vehicular traffic. The term includes, but is not limited to, a dedicated or public subdivision street regardless of whether or not it is in the highway system and a roadside rest area, as provided by AS

§ 13 AAC 10

41.20.050-060
8/10/66, reg

Authority: AS
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28.10.650(4),
Gen. No. 10

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(Current Regs)

10.115

§ 13 AAC 10.120

PUBLIC SAFETY

§ 13 AAC 10.135

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41.20.050-060. (Eff. before 7/28/59; am 12/15/61, reg. 3; am 8/10/66, reg. 22; am 12/31/69, reg. 31)

Authority: AS 28.05.030

Cross Reference: AS 11.20.500(f), AS 19.05.130(8), AS 19.10.010-015, AS 28.10.650(4), AS 28.15.360(4), AS 40.15.030, AS 42.10.420(8), 1965 Ops. Att'y Gen. No. 10

13 AAC 10.120. Hours of darkness. In the traffic regulations and in AS 05.30.080 (2) "hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise and any other time when a person or object is not clearly discernible at a distance of 1,000 feet due to smoke, fog or other atmospheric condition, except that during the hours or a portion thereof, between one-half hour after sunset to one-half hour before sunrise are not considered "hours of darkness" during the time and in an area of this state where natural light renders an object clearly discernible at a distance of 1,000 feet or more. (Eff. 12/31/69, reg. 31)

Authority: AS 28.05.030

13 AAC 10.125. House trailer. (a) In the traffic regulations "house trailer" means a trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either temporarily or permanently, and is equipped for use as a conveyance; or

(b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in (a) of this section, but which is used permanently or temporarily for the advertising, sale, display or promotion of merchandise or a service or for other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier. (Eff. before 7/28/59; am 12/15/61, reg. 3; am 8/10/66, reg. 22; am 12/31/69, reg. 31)

Authority: AS 28.05.030

13 AAC 10.130. Implement of husbandry. In the traffic regulations "implement of husbandry" means a vehicle designed or adapted and used exclusively for an agricultural, horticultural or livestock raising operation or for lifting or carrying an agricultural implement and used only temporarily upon a highway. (Eff. before 7/28/59; am 12/15/61, reg. 3; am 8/10/66, reg. 22; am 12/31/69, reg. 31)

Authority: AS 28.05.030

Cross Reference: AS 28.10.650(5)

13 AAC 10.135. Intersection. (a) In the traffic regulations and in AS 28.25 "intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the

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(Current Regs)

§ 13 AAC 10.270

PUBLIC SAFETY

§ 13 AAC 10.295

13 AAC 10.270. Right-of-way. In the traffic regulations "right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. (Eff. before 7/28/59; am 12/15/61, reg. 3; am 1/11/64, reg. 12; am 8/10/66, reg. 22; am 12/31/69, reg. 31)

Authority: AS 28.05.030

13 AAC 10.275. Road tractor. In the traffic regulations "road tractor" means a motor vehicle designed or adapted and used primarily as a road building, maintenance or construction vehicle in drawing or carrying road building, construction, maintenance or excavation machinery and devices, including "special mobile equipment" as defined by AS 28.10.650(14). (Eff. 12/31/69, reg. 31)

Authority: AS 28.05.030

13 AAC 10.280. Roadway. In the traffic regulations and in AS 28.05.010-020, ~~AS-28.05.030~~, AS-28.35.150 and AS 28.35.250 "roadway" or "road" means the main traveled portion of a highway, city street, alley or ferry facility improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway or city street includes two or more separate roadways, the term "roadway" refers to each roadway separately but not to all such roadways collectively. (Eff. before 7/28/59; am 12/15/61, reg. 3; am 8/10/66, reg. 22; am 12/31/69, reg. 31)

Authority: AS 28.05.030

Cross Reference: AS 19.30.170

13 AAC 10.285. Rotary traffic island. In the traffic regulations "rotary traffic island" means an island which is located in a roadway where two or more roadways join and around the circumference of which a roadway is built, and at which vehicular traffic is directed to travel in a single specified direction around the perimeter of the island. (Eff. 12/31/69, reg. 31)

Authority: AS 28.05.030

13 AAC 10.290. Safety zone. In the traffic regulations "safety zone" means the area or space officially set apart within a roadway for the use of a pedestrian and which is protected or is indicated by adequate signs or markings plainly visible at all times while set apart as a safety zone. (Eff. before 7/28/59; am 12/15/61, reg. 3; am 8/10/66, reg. 22; am 12/31/69, reg. 31)

Authority: AS 28.05.030

13 AAC 10.295. School bus. In the traffic regulations and in AS 28.15.130 "school bus" means a motor vehicle, publicly or privately owned, that complies with the most recent edition of "minimum standards for school buses" or for which a waiver of all or specific

fire, by friction, by concussion, by percussion or by detonator of a part of the compound or mixture may cause a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb;

(21) "flammable liquid" means a liquid which has a flash point of 60°C (140°F), or less, as determined by tagliabue or equivalent closed cup test device, and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 37.8°C (100°F); the term includes but is not limited to, a Class IIIA "combustible liquid" as defined in the National Fire Code, Volume I, 1967-68 and "cutback" or heated asphalt which has or assumes a flash point of less than 93.3°C (200°F);

(22) "highway" means the entire width between the boundary lines of every street or way publicly maintained, or privately maintained under an agreement with the state, when a part of the way is open to the use of the public for purposes of vehicular travel, except for vehicular ways or areas;

(23) "implement of husbandry" means every vehicle designed or adapted and used primarily for agricultural, horticultural or livestock-raising operations and only incidentally moved upon the highway; the term includes but is not limited to farm tractors used primarily for drawing plows and mowing machines;

(24) "intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, than the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart then every crossing of the roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection;

(25) "laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic;

(26) "loading zone" means a space reserved for the use of vehicles during the loading or unloading of passengers or property;

(27) "mail" means to deposit in the United States mail properly addressed and with postage prepaid;

(28) "metal tire" means every tire or wheel the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material, except a pneumatic tire manufactured with metal studs attached to the surface to improve traction on ice or snow, except that the metal in contact with the roadway may not exceed three percent of the total tire area in contact with the roadway;

(50) "roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;

(51) "rotary traffic island" means an island which is located in a highway where two or more roadways join and around the circumference of which a roadway is built, and at which vehicular traffic is directed to travel in a single specified direction around the perimeter of the island;

(52) "safety zone" means the area of space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;

(53) "school bus" means every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of Minimum Standards for School Buses and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children;

(54) "semitrailer" means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle;

(55) "sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians;

(56) "snowmobile" means every motor vehicle designed specifically to travel over ice or snow which is supported in part by skis, belts, cleats or low pressure tires;

(57) "solid rubber tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load;

(58) "special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus and construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment; however, the term does not include house trailers, mobile homes, off-highway vehicles, dump trucks, truck mounted