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491

COMMITTEE SUBSTITUTE FOR SB 491 (L & C) IS A BILL WHICH AMENDS THE WEIGHTS AND MEASURES ACT, AS 45.75.

IN 1982, THE OVERWEIGHT AND OVERSIZE MOTOR VEHICLE PROGRAM WAS TRANSFERRED FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT. THIS TRANSFER INCLUDED THE DUTIES OF OPERATING VEHICLE WEIGHING STATIONS, ISSUING PERMITS FOR OVERWEIGHT AND OVERSIZE VEHICLES, AND ENFORCING THE VEHICLE SIZE, WEIGHT, AND LOAD LIMITS.

THE 1982 TRANSFER OF DUTIES WAS ACCOMPLISHED ONLY BY ADDING A PARAGRAPH TO THE GENERAL DUTIES TO THE DEPARTMENT OF COMMERCE. CSSB 491 COMPLETES THE TRANSFER BY ALSO ADDING THOSE DUTIES TO THE WEIGHTS AND MEASURES ACT.

SECTION 13 OF THIS LEGISLATION CLARIFIES THAT THE COMMISSIONER OF COMMERCE MAY AUTHCRIZE DEPARTMENT EMPLOYEES TO ISSUE CITATIONS TO PERSONS WHO VIOLATE THE DOT/PF VEHICLE SIZE, WEIGHT, AND LOAD LIMITS, THE PROVISIONS OF AN OVERWEIGHT OR OVERSIZE VEHICLE PERMIT, OR DEPARTMENT REGULATIONS. THIS ELIMINATES AN AMBIGUITY AND LOOPHOLE LEFT AFTER THE 1982 TRANSFER OF ENFORCEMENT AUTHORITY TO THE DEPARTMENT.

SECTIONS 26 AND 27 OF CSSB 491 STATES THE PENALTY FOR ALL WEIGHTS AND MEASURED OFFENSES IS A CLASS B MISDEMEANOR PLUS

FIVE CENTS A POUND FOR OVERWEIGHT VEHICLE OFFENSES. THIS CHANGE CONFORMS TO THE NEW CRIMINAL CODE AND WILL PROVIDE A MORE EFFECTIVE DETERRENT TO WEIGHTS AND MEASURES VIOLATIONS. CURRENTLY, MANY PEOPLE ARE TOO WILLING TO RISK CITATION FOR VIOLATIONS BECAUSE OF THE LOW MAXIMUM PENALTIES.

ALL OF THESE CHANGES IN THE WEIGHTS AND MEASURES ACT WILL INCREASE THE EFFECTIVENESS AND EFFICIENCY OF IMPLEMENTATION OF THE ACT, ESPECIALLY THE OVERWEIGHT AND OVERSIZE VEHICLE PROGRAM. THEREFORE, I URGE YOUR PASSAGE OF CSSB 491.

Support By Dept. of Commerce
" " Alaska Truckers

ADDITIONAL INFORMATION

- 1) THE CHANGES MADE IN THE COMMITTEE SUBSTITUTE INCLUDE
 - A) PG 6, LINE 29 - DELETED "ARREST OR" SO THE DEPT REPRESENTATIVE CAN GIVE A CITATION FOR A VIOLATION, BUT CANNOT ARREST THE INDIVIDUAL
 - B) PG 12, LINE 1 - MADE THE PENALTY A CLASS B MISDEMEANOR INSTEAD OF THE ORIGINAL CLASS A MISDEMEANOR
 - C) PG 14, LINES 3-8 - ADDED SECTION 27 WHICH STATES THAT FIVE CENTS A POUND CAN BE ASSESSED FOR OVERWEIGHT VEHICLE OFFENSE IN ADDITION TO THE FINE ESTABLISHED AS A CLASS B MISDEMEANOR
- 2) CSSB 491 DECREASES THE FREQUENCY OF REQUIRED INSPECTIONS AND TESTS OF ALL WEIGHTS AND MEASURES FROM SEMI-ANNUAL TO ANNUAL, MORE FREQUENT INSPECTIONS AND TESTS CAN STILL BE MADE IN PROBLEM AREAS, HOWEVER.
- 3) SECTIONS 1 - 3 AND 5 - 26 CLARIFIES A CONFUSING APPROACH TAKEN BY THE 1961 LEGISLATION WHICH FIRST ENACTED THE WEIGHTS AND MEASURES ACT. FOR REASONS WHICH ARE NOT NOW CLEAR, THE COMMISSIONER OF COMMERCE

IS THE DIRECTOR OF WEIGHTS AND MEASURES AND THROUGHOUT THE CHAPTER MANY REFERENCES ARE MADE TO THE DIRECTOR. TO AVOID CONFUSION, CSSB 491 CHANGES ALL OF THOSE REFERENCES TO THE DIRECTOR TO BE REFERENCES TO THE COMMISSIONER.

PROPOSED TITLE: CSSB 491(L&C)
AN ACT RELATING TO WEIGHTS AND MEASURES, AND PROVIDING
FOR AN EFFECTIVE DATE

PRIME SPONSOR: SENATE RULES COMMITTEE.

CO-SPONSORS:

CURRENT STATUS: 4/03/84 IN (H) LABOR & COM REFERRAL: FINANCE

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/14/84	01	2063	FIRST READING -- COMMITTEE REPORTS
02/14/84	02	2063	F/NOTE EQUALS ZERO
02/14/84	03	2063	GOV TRANSMITTAL LETTER
03/16/84	04	2374	L&C -- CS05
03/27/84	05	2486	MOVED FROM FIN TO RLS BY UNAN CONSENT
03/30/84	06	2540	RLS -- L&C CS05, OTHER05 TAKEN UP IMMEDIATELY
03/30/84	07	2549	SECOND READING
03/30/84	08	2549	L&C CS ADOPTED BY UNAN CONSENT
03/30/84	09	2550	ADVANCED TO 3RD READING BY UNAN CONSENT
03/30/84	10	2550	THIRD READING
03/30/84	11	2550	PASSED BY DIV 17-01-02
03/30/84	12	2550	EFFECTIVE DATE VOTE SAME AS PASSAGE
03/30/84	13	2550	NOTICE OF RECONSIDERATION GIVEN
04/02/84	14	2590	RECONSIDERATION NOT TAKEN UP

XXXX XX XX XXX XXX XXX

DATE	SEQ	PAGE	LEGISLATIVE ACTION
4/03/84	15	3170	FIRST READING -- COMMITTEE REPORTS LABOR & COMMERCE FINANCE RULES

XXXX XX XX XXX XXX XXX

COMMITTEE REPORT

SENATE

FURTHER:

FINANCE

2/14/84

Date 2/15/84

Mr. President

The Committee on LASER AND COHERENT considered SB 491

rights and measures; and,

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 491 (L&C)
- new title
- same title and recommends do pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
Chairman

[Signature]
Chairman recommendation



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

st 491

February 13, 1984

The Honorable Jalmar Kerttula
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Kerttula:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill amending the Weights and Measures Act, AS 45.75.

In 1982, the overweight and oversize motor vehicle program was transferred from the Department of Public Safety to the Department of Commerce and Economic Development. This transfer included the duties of operating vehicle weighing stations, issuing permits for overweight and oversize vehicles, and enforcing the vehicle size, weight, and load limits established by the Department of Transportation and Public Facilities (DOT/PF). (Ch. 77, SLA 1982)

The 1982 transfer of duties was accomplished only by adding a paragraph (25) to the general duties of the Department of Commerce and Economic Development listed in AS 44.33.020. This bill completes the transfer by also adding those duties to the Weights and Measures Act (secs. 2 and 4 of the bill). The bill also decreases the frequency of required inspections and tests of all weights and measures from semiannual to annual (sec. 8 of the bill). More frequent inspections and tests can still be made in problem areas, however.

CS deletes
"arrest"

Section 13 of the bill clarifies that the commissioner of commerce and economic development may authorize department employees to ~~arrest or~~ issue citations to persons who violate the DOT/PF vehicle size, weight, and load limits, the provisions of an overweight or oversize vehicle permit, or department regulations. This eliminates an ambiguity and loophole left after the 1982 transfer of enforcement authority to the department.

GOVERNOR'S SUMMARY

CS changes
it to
misdemeanor
B

Section 26 of the bill amends AS 45.75.380 to increase the current maximum penalty for all weights and measures offenses from a \$200 fine (or five cents a pound for overweight vehicle offenses) ~~and three months imprisonment, to a \$5,000 fine and one year imprisonment~~ (see AS 12.55.035(b)(3) and 12.55.135(a)). This change conforms to the new Criminal Code (AS 11) and the Code of Criminal Procedure (AS 12) and will provide a more effective deterrent to weights and measures violations. Currently, many people, particularly truck drivers, are too willing to risk citation for violations because of the low maximum penalties.

Most of the bill, including secs. 1 -- 3 and 5 -- 26, clarifies a confusing approach taken by the 1961 legislature which first enacted the Weights and Measures Act. For reasons which are not now clear, and which no longer apply, AS 47.75.030 states that the commissioner of commerce and economic development is the director of weights and measures and throughout the chapter many references are made to the director. To avoid confusion with the director of the division of measurement standards which is currently assigned to administer the Act, this bill changes all of those references to the director to be references to the commissioner.

The bill also makes "housekeeping" amendments to clean up outdated language and to correct several citations.

All of these changes in the Weights and Measures Act will increase the effectiveness and efficiency of implementation of the Act, especially the overweight and oversize vehicle program. Therefore, I urge your passage of this bill.

Sincerely,



Bill Sheffield
Governor

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: 491
 Title: Relating to weights and measures; and effec. date
 Sponsor: Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Economic Development
 Program Category Affected: Protection
 BRU, Program or Subprogram(s) Affected: _____
 Measurement Standards: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Joseph Swanson, Director Phone: 345-7750
 Division: Measurement Standards Date: 2/10/84

Approved by Commissioner: Richard A. Lyon Date: 2/10/84
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

FISCAL Note

Division of Measurement Standards

	<u>FY '82</u>	vs.	<u>FY '84</u>
Trucks weighed	44,415		64,353
Lbs. overweight	3,629,281		6,879,957
Enforcement Act	1,027		2,852

Six-month comparison:

PROPOSED AMENDMENT

SB 491

Sec. 45.75.130. POLICE POWERS AND RIGHT OF ENTRY AND STORAGE.

Page 6 line 13 delete [arrest or]

Sec. 45.75.380. OFFENSES AND PENALTIES.

page 10 line 3 delete [It is a class A misdemeanor for a person to perform any of the following acts or otherwise to violate a provision of this chapter.]

page 10 line 5 add A person who, by himself or by his servant, or agent, or as the servant or agent of another, performs any one of the following acts is guilty of a misdemeanor and upon a first conviction of the violation is punishable by a fine or not less than \$20 nor more than \$200, or by imprisonment for not more than three months, or by both. Upon a second or subsequent conviction, the person is punishable by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than one year, or by both.

page 12 line 4 add Notwithstanding the maximum fine provided for infractions under this section, for the violation of regulations or special permits issued governing vehicle weight limits, overweight penalties shall be imposed at the rate of five cents for each pound of weight over the authorized weight limit for the vehicle.

Then later recommended the changes adopted.

Bill Fact Sheet

Date Received _____

Bill Number SB 49 / Title Weight / Measures

Fiscal Note - Date Requested _____ Date Received _____

- Of Whom _____

Dept. Position Paper - Date Requested _____ Date Received _____

- Of Whom _____

Resource People

Initial Hearing - Date 3/6/84
People Contacted

Joe Swanson -

Risa King -

T-J Trasher - 276-1149 (Dump Trucker)
Ginger - will inform

Follow-up Hearing - Date _____

Final Action _____ Date _____