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DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 380

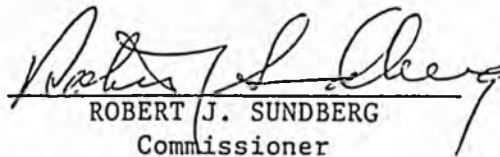
Support

February 10, 1986

SB 380 An Act relating to commercial vehicle financial responsibility.

The current requirements of liability insurance for motor carriers have made it very difficult and costly for many commercial vehicle owners to obtain insurance coverage. Insurance agents have reported the current limits do not conform to industry standard costs. Most insurance companies offer what is called Combined Single Limit coverage which combines both bodily injury and property damage under a single limit. Many agents cannot offer the existing required coverage of \$700,000.

A Combined Single Limit of \$500,00 coverage would probably be the minimum requirement sought by the Department through regulation.

  
ROBERT J. SUNDBERG  
Commissioner

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

REQUEST

Bill/Resolution No. : SB-380  
 Title : An Act relating to commercial vehicle financial responsibility...  
 Sponsor : Rules Committee/Governor  
 Requestor : Senate State Affairs  
 Date of Request : \_\_\_\_\_

FISCAL DETAIL

Agency Affected : Public Safety  
 BRU : Motor Vehicles  
 Components : \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : John H. Lucking, Director  
 Division : Motor Vehicles

Phone : 269-5551  
 Date : 2/6/86

Approved by Commissioner : [Signature]  
 Agency : Public Safety

Date : 2/10/86

Distribution (by Agency preparing fiscal note) :

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

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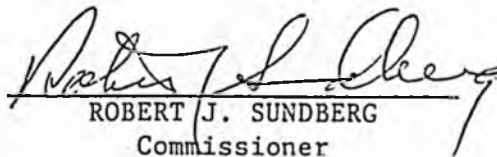
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(B) a state or local government vehicle of more than 10,000 pounds unladen gross weight;

(C) a truck or bus of more than 10,000 pounds unladen gross weight; or

(D) a trailer of 5,000 pounds or more unladen gross weight attached to a vehicle described in (C) of this paragraph;

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

(3) "division" means the division of motor vehicles, Department of Public Safety. (§ 3 ch 104 SLA 1985)

### Chapter 33. Commercial Motor Vehicle Financial Responsibility.

#### Section

#### 10. Financial responsibility

Effective date of chapter. — Section effective June 13, 1985, in accordance with AS 01.10.070(c).

**Sec. 28.33.010. Financial responsibility.** (a) A person who carries passengers or freight for hire intrastate in a commercial motor vehicle or a person who carries freight in a motor vehicle for commercial purposes, or a person who rents or leases a motor vehicle for the use of another to carry freight shall procure and maintain security in the following minimum amounts:

- (1) \$200,000 for property damage in a single occurrence;
- (2) \$500,000 for bodily injury or death in a single occurrence.

(b) Evidence of security required under (a) of this section shall be filed with the department and must be

- (1) a policy or certificate of insurance issued by an insurer acceptable to the department; or
- (2) a bond of a surety company licensed to write surety bonds in the state; or
- (3) evidence accepted by the department, showing ability to self-insure; or
- (4) other security approved by the department.

(c) The department may authorize department personnel to enforce this section and may adopt procedural regulations necessary to implement this section.

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(f) In thi of whatever

- Article
- 2. Operating
- 3. Reckless ar

#### Article

- Section
- 31. Implied cc

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Nyquil ar cough medic quors within of that phras conviction of Lambert v. E (File No. A-40 Request breathalyzer judge's findin of driving whi pal code, did taking the where he ne attorney but need an attor ing the concl needed an att not because f mitting to a clearly error judge should tion. Anchora No. 417 (Fil (1984).

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§ 28.35.030

MOTOR VEHICLES

§ 28.35.030

(d) A policy of insurance, surety bond, or other form of security may not be cancelled on less than 30 days' written notice to the department. This requirement must be clearly stated in the policy or endorsement for an insurance policy submitted as proof of financial responsibility under AS 42.30.225(a)(1). The 30-day notice period is measured from the date on which the departr receives notice.

(e) A person who violates (a) of this sect' s guilty of a class B misdemeanor and is punishable by a fine of no. less than \$500 or more than \$1,000.

(f) In this section "freight" means commodities, articles, and cargo, of whatever nature or value. (§ 4 ch 104 SLA 1985)

## Chapter 35. Miscellaneous Provisions.

### Article

2. Operating While Intoxicated; Implied Consent (§ 28.35.031)

3. Reckless and Negligent Driving (§ 28.35.045)

### Article 2. Operating While Intoxicated; Implied Consent.

#### Section

31. Implied consent

Sec. 28.35.030. Operating a vehicle, aircraft or watercraft while intoxicated.

### NOTES TO DECISIONS

Nyquil and terpin hydrate, two cough medicines, are intoxicating liquors within the common understanding of that phrase and can be the basis for a conviction of driving while intoxicated. *Lambert v. State*, Ct. App. Op. No. 441 (File No. A-403), 694 P.2d 791 (1985).

**Request for counsel before breathalyzer test.** — District court judge's finding that defendant, convicted of driving while intoxicated under municipal code, did not request counsel prior to taking the breathalyzer examination where he never asked to speak to an attorney but asked whether he might need an attorney, with testimony supporting the conclusion that he wondered if he needed an attorney in order to make bail, not because he wanted advice about submitting to a breathalyzer exam, was not clearly erroneous, and superior court judge should not have reversed the conviction. *Anchorage v. Erickson*, Ct. App. Op. No. 417 (File No. A-512), 690 P.2d 20 (1984).

**Right to counsel before breathalyzer test.**

It is only where the totality of the arrestee's words constitute a request, express or implied, for an opportunity to contract counsel for the purpose of discussing a breathalyzer examination that an opportunity to consult counsel must be provided prior to administration of the breathalyzer. Once the breathalyzer examination is completed or refused and videotaping finished, the suspect is entitled to the full use of the rights guaranteed by AS 12.25.150(b) and Criminal Rule 5(b). *Van Wormer v. State*, Ct. App. Op. No. 473 (File No. A-320), P.2d (1985), summarizing *Copelin v. State*, 659 P.2d 1206 (Alaska 1983), *Svedlund v. Anchorage*, 671 P.2d 378 (Alaska App. 1983), and *Anchorage v. Erickson*, 690 P.2d 20 (Alaska App. 1984).

Where the judge determined, based on the evidence, that the DWI defendant's statements regarding having somebody