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# HOUSE COMMITTEE REPORT

File

(11)

Date Referred: May 1, 1990

FURTHER REFERRALS:

Date of Committee Action: 5/4/90

The FINANCE Committee considered:

CSSB 368 (FINANCE)

CS SB NO. 368 (Fin)

COMMERCIAL MOTOR VEHICLE INSPECTIONS

"An Act relating to commercial motor vehicle inspections and licensing; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with \_\_\_\_\_  the same title
- have attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):  
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact \_\_\_\_\_
- zero fiscal note H. FIN. CMTE.
- zero with analysis \_\_\_\_\_

- fiscal note(s) \_\_\_\_\_
- zero fiscal note(s) 1/8/90 / Public Safety
- zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:  
(Check approp. column)

Do Not Pass      No Rec      Amend

[Signature] Hoffman  
[Signature] Larson  
[Signature] Swackhammer  
[Signature] Brown  
[Signature] Koponen  
[Signature] Phillips

Signature	Do Not Pass	No Rec	Amend
<u>[Signature]</u> Rieger		X	

[Signature]  
 Chairman's Signature

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION: SB 368  
PUBLISH DATE: 1/8/90

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
Title: An Act relating to commercial BRU: Highway Safety Planning Agency  
vehicle inspections  
Sponsor: Rules Committee Component: Commercial Vehicle Safety  
Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 28.32 to bring Alaska law into conformity with federal motor carrier safety regulations. These changes are needed to allow Alaska to participate in the federal commercial vehicle safety inspection program. Alaska's participation in the federal program is not mandated by the federal government, at least at this time. A State program is being developed; funding for implementation will be sought through the normal departmental budgetary process. There will be no direct fiscal impact as a result of the passage of this bill.

Prepared by: Earl D. Clark  
Division: Highway Safety Planning Agency

Phone: 465-2446  
Date: 12/15/89

Approved by Commissioner: D.A.H. Arthur English  
Agency: Department of Public Safety

Date: 12/15/89

12/15/89

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Re: Commercial Motor  
vehicle licensing  
Sponsor: Rules/ Governor  
Requestor: House Finance Committee

Agency Affected: Public Safety  
BRU: Highway Safety Planning  
Components: Commercial vehicle  
safety

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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<b>REVENUE</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Funding included in Public Safety FY 91 budget, page 00191.  
SEE ATTACHED NOTE FOR BREAKDOWN OF COSTS.

Prepared by: House Finance Committee Phone: 465-3727  
Division: Co-Chairman Ron Larson Date: 5/4/90

Approved by Commissioner: Lyman Hoffman Date: 5/4/90  
Agency: Public Safety

Distribution (by preparer) :  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
 Title: An Act Relating to Commercial BRU: Highway Safety  
Motor Vehicle Inspections  
 Sponsor: Senate Rules Component: Commercial Vehicle Safety  
 Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	230.2	230.2	230.2	230.2	230.2	230.2
TRAVEL	17.3	17.3	17.3	17.3	17.3	17.3
CONTRACTUAL	20.4	20.4	20.4	20.4	20.4	20.4
SUPPLIES	4.1	4.1	4.1	4.1	4.1	4.1
EQUIPMENT	9.3	9.3	9.3	9.3	9.3	9.3
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	281.3	281.3	281.3	281.3	281.3	281.3

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	56.3	56.3	56.3	56.3	56.3	56.3
FEDERAL FUNDS	225.0	225.0	225.0	225.0	225.0	225.0
OTHER/PROG RCPT						
TOTAL	281.3	281.3	281.3	281.3	281.3	281.3

POSITIONS:

FULL-TIME	-5-	-5-	-5-	-5-	-5-	-5-
PART-TIME	-1-	-1-	-1-	-1-	-1-	-1-
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This fiscal note represents current funding plus a budget increment of 44.2 GF and 175.0 federal funds. See Public Safety FY 91 budget, page 00191.

Changes in CSSB 368 (Fin) have no fiscal impact. This fiscal note is appropriate. 4/30/90 yhw

Prepared by: T. Michael Lewis Phone: 465-4374  
 Division: Highway Safety Planning Agency Date: April 3, 1990  
 Approved by Commissioner: A. H. English Date: 4-3-90  
 Agency: Department of Public Safety Page 1 of 1

4/31/90

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

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.

04/13/90

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DNR/DIV OF AGRI

2002

MEMORANDUM STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES - DIVISION OF AGRICULTURE

TO: Frank Mielke  
Director

DATE: April 13, 1990

DNR/DIV OF AGRICULTURE

APR 13 1990

DIVISION'S OFFICE

TELEPHONE: 745-7200

FROM: Ed Kern   
Development Specialist

SUBJECT: Farm Vehicles  
SB 368

The attached Senate Bill CSSB 368 (Judiciary) has recently come to my attention as having an economic impact on the agriculture industry.

Section 28.32.900 of this bill restricts the definition for farm vehicles to be exempted from the commercial vehicle rules.

(ii) farm vehicles that are controlled and operated by a farmer; used to transport agricultural products, farm machinery, or farm supplies to or from that farmer's farm; not used in the operations of a common or contract motor carrier; and used within 150 miles of the farmer's farm;

The key change is: used within 150 miles of the farmer's farm. The current statute language reads as follows:

(2) used exclusively to transport ranch and farm products other than bulk milk; or

(3) customarily and historically used for commercial purposes for less than 20 hours per month. ((3 ch 104 SLA 1985)

Local farmers must exceed the 150 mile limit to move livestock to market from either Delta or Homer when they deliver to the slaughterhouse here in Palmer. The same is true for grain, hay, seed or fertilizer from suppliers to farm or to market.

I would hope that there will be sufficient public notice to the agriculture industry to provide input on this issue. This bill has been through both Senate HES and JUD committee with no notice to the agriculture community that we have heard about. The next hearing on this bill is in Senate FIN April 20 at 9:00 a.m.

I have attached a copy of the current AS 28.32, plus the bill resolution and history report.

EK/kjh

Attachment

04/13/90

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DNR/DIV OF AGRI

SB 368c.

002

MEMORANDUM STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES - DIVISION OF AGRICULTURE

TO: Lennie Gorsuch  
Commissioner

DATE: April 13, 1990

*FM*  
FROM: Frank Mielke  
Director

SUBJECT: SB 368/Effects on  
Farm Vehicles

My staff brought up SB 368 (a Governor's bill) and some of the changes to farm vehicle requirements. No one in DOTPF to my knowledge has talked with the Division of Agriculture or the farmers about these changes.

FM/kjh