

HB

295

**HOUSE COMMITTEE REPORT**

(7)

Date Referred: April 22, 1991

FURTHER REFERRALS:

Labor & Commerce  
Judiciary  
Finance

Date of Committee Action: 5/2/91

The TRANSPORTATION Committee considered:

HB 295

HOUSE BILL NO. 295

OPERATION OF VEHICLES, PLANES, & BOATS

"An Act relating to operating commercial motor vehicles, motor vehicles, aircraft, and watercraft; and providing for an effective date."

**RECOMMENDATIONS:**

be replaced with \_\_\_\_\_  the same title

have attached amendments(s)  a new title

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

<sup>negative</sup> fiscal impact DOT

fiscal note(s) \_\_\_\_\_

zero fiscal note DPS

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Loren A. Leman</i>	<input checked="" type="checkbox"/>	<i>Gene Kubera</i>		<input checked="" type="checkbox"/>	
<i>Gail Phillips</i>	<input checked="" type="checkbox"/>				
<i>Richard J. [unclear]</i>	<input checked="" type="checkbox"/>				
<i>[unclear]</i>	<input checked="" type="checkbox"/>				

*Richard J. [unclear]*  
CHAIRMAN'S SIGNATURE

SB261

An act relating to operating commercial motor vehicles, motor vehicles, aircraft, and watercraft; and providing for an effective date.

In an effort to reduce the amount of deaths, injuries and property damage caused by certain motor vehicles, the United States Congress passed the Commercial Motor Vehicle Safety Act of 1986.

That Act set some specific requirements that driver's and employer's must meet, plus set requirements that each state must meet. If the State does not meet these standards, the federal government will withhold Federal Highway funds.

This bill is the second phase of a two phase process caused by the delay in federal rule making. Phase one dealt with the issuance of a commercial driver's license and passed the Legislature last year (Ch.53 SIA 1990).

This phase deals with the disqualification and penalties that will occur if a commercial driver is in violation of certain laws pertaining to alcohol, drugs, traffic accidents and violations.

If this bill is not passed there will be two major consequences.

1. April 1, 1992 is the deadline set by federal regulations. Alaska's authority to issue a commercial license will be revoked. This means that Alaska CDL holders will not be allowed to operate commercial vehicles in any other state and will be in violation of the federal law. Alaska CMV operators will not be allowed to go to any other state to be licensed because states can only license their own residents.
2. Loss of Federal Highway funds begins October 1, 1993. The first years loss is 5% of the total allotment, which is approximately 12 million dollars. The second and subsequent years losses' until compliance will be 10%, approximately 24 million dollars.

Last years legislation passed with a fiscal note which adequately funded the commercial driver license program, therefore, this phase does not require additional funding.

We feel that it is extremely important for this legislation to pass as it will allow the state to be in full compliance with the federal regulations and will not put any undue hardships on Alaska's commercial motor vehicle operators.

A brief section by section analysis. A more detailed analysis was prepared and is in the packet.

#### Section 1

Allows the Commissioner of Department of Public Safety, to adopt regulations which will conform to the federal regulations.

#### Section 2 through 6

Amends current law allowing the Department of Public Safety to revoke or disqualify a commercial driver's license at .04 percent blood alcohol concentration. It also allows for due process rights to the commercial operator.

#### Section 7

Amends current law and requires the state to notify another state if a driver from the other state is disqualified for a violation of a traffic law in Alaska.

#### Section 8 through 10

Amends current law by adding additional reasons for the Court to revoke or disqualify CDL holders upon convictions of certain traffic law violations.

#### Section 11, 12, and 14

Redefines previously convicted.

#### Section 13

Adds definitions for disqualification, or to disqualify.

#### Section 15

Creates new offense for operating a commercial motor vehicle while intoxicated, implied consent and presumption of intoxication.

#### Section 16

Clears up the definition of "to drive a commercial motor vehicle."

#### Section 17

Amends current law by substituting "drive" instead of "operate" and allows the department to disqualify a commercial operator for falsification of documents for a commercial license or other documentation required of CFR49.

#### Section 18

Amends current law by prohibiting an employer from permitting an unlicensed driver to operate a CMV or operating when prohibited.

#### Section 19

Creates a new section by allowing a peace officer or employer to place an operator "out of service" for 24 hours for any detectable level of alcohol or controlled substance.

It also requires the Court to disqualify a CMV operator for several traffic law violations. The period of disqualifications are minimum and according to CFR49.

It also creates penalties for operating a CMV after withdrawal.

Section 20  
Adds definitions

Section 21  
Amends current law pertaining to open containers.

Section 22 and 23  
Amends current law to be consistent to the DWI provisions and controlled substances.

Section 24 through 27  
Amends current law to be consistent to refusal to submit to a breath test and defines previously convicted.

Section 28  
Amends current law to be consistent to chemical test without consent.

Section 29  
Repeals a current section of the law.

Section 30  
Provides consistently with current case law regarding convictions.

Section 31  
Allows for an effective date which will allow Public Safety time to implement prior to the April 1, 1992 deadline.

1. CALL MEETING TO ORDER
2. NOTE THE DATE: Thursday, May 2nd 1991  
NOTE TIME:
3. ROLL CALL OF MEMBERS PRESENT
4. DURING TODAYS MEETING WE WILL TAKE UP:  
HB 295 - Relating to commercial motor vehicles  
*worksession* → Overview presentation by DOT on the statewide transportation plan.  
*worksession* → Worksession/overview on DOT bidding and procurement procedures
5. INTRODUCE ANY SPECIAL GUESTS OR V.I.P.s
6. REQUEST ANY PERSONS WISHING TO TESTIFY TO SIGN THE WITNESS REGISTER

*LyDe  
5/20/91*

ANNOUNCEMENTS AT CLOSE OF MEETING

7. THE NEXT MEETING OF THE HOUSE TRANSPORTATION COMMITTEE WILL BE:  
Tuesday, May 6th 1991  
at this time, we will take up  
HB 66  
HB 305  
HB 310
8. ADJOURN MEETING. NOTE TIME OF ADJOURNMENT.

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THE LEGISLATURE

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FAVREAU ALASKA 99811  
907-465-2800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Transportation*

*5-2-91*



Please fill in everything

# House Transportation Committee

DATE: May 2, 91

PLACE: Room 17

SUBJECT OF MEETING:  
 HB 295 State Transportation  
 Overview - P.O.T +  
 P.O.T bidding

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Juanita Hansley	DP-DMV	Box N Tunara, AK	99821		4335	<input checked="" type="radio"/> Y	<input type="radio"/> N	295
G H ORETSKI	DPS	Box M, JUNI.				<input type="radio"/> Y	<input type="radio"/> N	IF G'S - HB 295
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
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