

HB

343

Alaska State Legislature

Interim:
145 Main St. Lp., 223
Kenai, Alaska 99611
907/283-7095
907/283-3075 fx
907/262-7574 hm



Session:
State Capitol
Juneau, AK 99801
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Representative Gary Davis

SPONSOR STATEMENT

SCS CS HB 343(TRA)

"An Act excluding certain motor vehicles from the definition of commercial motor vehicle"

There is apparent confusion among law enforcement officials as to under what circumstances an individual is required to possess a commercial driver's license (CDL). Some Alaska statutes and regulations reference federal requirements, which exempt the need for a CDL in cases of moving construction equipment from one site to another—this is considered by them to be an incidental move. However other Alaska statutes require drivers of any equipment weighing over 26,000 pounds "used upon a land highway or vehicular way" to possess a commercial driver's licenses.

This legislation amends the definition of "commercial motor vehicle" in AS 28.40.100(a)(2) by expanding the exceptions to include "special mobile equipment"--construction vehicles--that are driven on roads in order to relocate the vehicle to a job site. This exception occurs only when the equipment is on a highway **in order to relocate to a job site**. In addition, existing permitting requirements for oversize or overweight vehicles remain in effect, which include pilot vehicles, radio communications, etc. This legislation also has no effect on the statutes concerning commercial motor vehicle financial responsibility or commercial motor vehicle safety inspections.

Including this exception clears up the confusion. The intent of the legislation is to allow individuals to move their construction equipment from one site to another without being required to have a commercial driver's license. If an individual is involved in work on the road, a commercial driver's license is still required.

SCSHB343/SS/2/4/98

*Representing House District 8
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SECTIONAL ANALYSIS

SCS CS HB 343 (TRA)

“An Act excluding certain motor vehicles from the definition of commercial motor vehicle”

Section 1: Amends AS 28.40.100(a)(2) by expanding the exceptions listed under subsection (D) to include special mobile equipment that is driven on roads in order to relocate the vehicle to a job site from the definition of a commercial motor vehicle.

Title 13 of the Alaska Administrative Code, Chapter 10, Section 010 defines special mobile equipment as follows:

13 AAC 10.010. Definitions

In Chapters 02, 04, 06, and 08 of this title, and in AS 28, unless otherwise provided . . .

(52) "special mobile equipment" means a vehicle which is 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, construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and earthmoving equipment; it does not include house trailers, mobile homes, off-highway vehicles, dump trucks, truck-mounted transit mixers, cranes, or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached; . . .

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