

**SB**

**222**

**HFIN**

**FILE**



# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB222  
(S) Publish Date: 2/19/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
Title: An Act relating to certain motor BRU: Highways and Aviation  
vehicles that are required to yield to following traffic Component: Central Region Highways and Aviation  
Sponsor: Donley  
Requester: Senate Transportation Component No. 564

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	30.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>30.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	30.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>30.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The department expects to install approximately 20 signs at appropriate highway locations to notify the public of the law. Production and installation costs approximately \$1500/sign. 20 signs X \$1500 = \$30.0

Prepared by: Dennis R. Poshard, Assistant to Commissioner  
Division: Commissioner's Office  
Approved by: Joseph L. Perkins, Commissioner  
Agency: Alaska Department of Transportation and Public Facilities

Phone 465-3904  
Date/Time 2/11/02 9:51 AM  
Date 2/11/2002

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSSB 222(TRA)  
(S) Publish Date: 3/1/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
Title Require Slow Drivers to Pull Over BRU AST Detachments  
Component AST Detachments  
Sponsor Senator Donley  
Requester Senate Finance Committee Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2002 Budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill will have no fiscal impact for the Department of Public Safety.

Prepared by: Lt. Julia Grines Phone 269-4532  
Division Division of Alaska State Troopers Date/Time 2/25/02 3:04 PM  
Approved by: Commissioner Glenn Godfrey Date 2/25/2002  
Agency Department of Public Safety

amendments adopted

22-LS0611/R  
Ford  
5/7/02

# 1  
H 2

adopted 5/8/02

HOUSE CS FOR CS FOR SENATE BILL NO. 222(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATOR DONLEY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certain motor vehicles that are required to yield to following traffic  
2 and to fines for offenses committed in highway work zones."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. AS 28.35.140 is amended by adding a new subsection to read:

5  
6  
Amended  
deletes  
adopted  
①

(b) A person operating a motor vehicle [below the posted speed limit at any  
time] on a two-lane roadway shall pull the motor vehicle off the roadway at the first  
opportunity to pull over safely whenever there are five or more motor vehicles  
immediately following that motor vehicle. A person operating a motor vehicle who  
violates this subsection is guilty of an infraction as described in AS 28.40.050(d) and  
shall be punished by a fine of at least \$100.

11 \* Sec. 2. AS 28.40.070 is amended to read:

12 Sec. 28.40.070. Fines for offenses committed within highway work zones  
13 doubled. Whenever a person violates a provision of this title or a regulation adopted  
14 under the authority of this title and the violation occurs within a highway work zone

1  
2  
3

that has workers present at the time of the violation, notwithstanding the amount of the fine or the maximum fine set under this title, the fine, or maximum fine, is double the amount provided in this title.

HB 222 (FIN) "R" VERSION

BY REP. CROFT

AMENDMENTS

~~#1~~ LINE 5 AFTER "VEHICLE"  
~~INSERT "FIVE OR MORE MILES"~~

Amendment #2

(#2) LINE 6 AFTER "ROADWAY"  
INSERT "OUTSIDE OF AN URBAN AREA"

13 AAC 02.050. DRIVING ON RIGHT SIDE OF ROADWAY - EXCEPTIONS AND SPECIAL SITUATIONS

Statute text

(a) Upon a roadway of sufficient width, a vehicle must be driven upon the right half of the roadway, except as follows:

(1) when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into an alley, private road or driveway;

(2) when traveling upon a roadway marked or divided as provided by sec. 25, 85, or 95 of this chapter, or upon a roadway restricted to one-way traffic; or

(3) when an obstruction exists making it necessary to drive to the left of the center of the highway; a driver must yield the right-of-way to all vehicles traveling in the opposite direction upon the unobstructed portion of the highway.

(4) repealed 6/28/79;

(5) repealed 6/28/79.

(b) Upon all roadways, a vehicle proceeding at less than the maximum authorized speed of traffic must be driven as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into an alley, private road or driveway. However, on a two-lane highway outside an urban area where passing is unsafe because of oncoming traffic or other conditions, the driver of a motor vehicle proceeding at less than the maximum authorized speed of traffic and behind whom five or more vehicles are formed in a line shall turn off the roadway at the nearest place designated as a turnout or wherever sufficient area for a safe turnout exists in order to permit following vehicles to pass.

13 AAC 02.050. DRIVING ON RIGHT SIDE OF ROADWAY - EXCEPTIONS AND SPECIAL SITUATIONS

Statute text

(a) Upon a roadway of sufficient width, a vehicle must be driven upon the right half of the roadway, except as follows:

- (1) when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into an alley, private road or driveway;
- (2) when traveling upon a roadway marked or divided as provided by sec. 25, 85. or 95 of this chapter, or upon a roadway restricted to one-way traffic; or
- (3) when an obstruction exists making it necessary to drive to the left of the center of the highway; a driver must yield the right-of-way to all vehicles traveling in the opposite direction upon the unobstructed portion of the highway.
- (4) repealed 6/28/79;
- (5) repealed 6/28/79.

(b) Upon all roadways, a vehicle proceeding at less than the maximum authorized speed of traffic must be driven as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into an alley, private road or driveway. However, on a two-lane highway outside an urban area where passing is unsafe because of oncoming traffic or other conditions, the driver of a motor vehicle proceeding at less than the maximum authorized speed of traffic and behind whom five or more vehicles are formed in a line shall turn off the roadway at the nearest place designated as a turnout or wherever sufficient area for a safe turnout exists in order to permit following vehicles to pass.

HOUSE CS FOR CS FOR SENATE BILL NO. 222(JUD)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/25/02  
Referred: Finance

Sponsor(s): SENATOR DONLEY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certain motor vehicles that are required to yield to following  
2 traffic."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. AS 28.35.140 is amended by adding a new subsection to read:

5 (b) A person operating a motor vehicle five or more miles below the posted  
6 speed limit at any time on a two-lane roadway shall pull the motor vehicle off the  
7 roadway at the first opportunity to pull over safely whenever there are five or more  
8 motor vehicles immediately following that motor vehicle. A person operating a motor  
9 vehicle who violates this subsection is guilty of an infraction as described in  
10 AS 28.40.050(d) and shall be punished by a fine of at least \$100.



# **SENATOR DAVE DONLEY**

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ALASKA STATE LEGISLATURE

**SPONSOR STATEMENT**  
**HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR**  
**SENATE BILL 222 (JUD)**  
**"AN ACT RELATING TO CERTAIN MOTOR VEHICLES THAT ARE**  
**REQUIRED TO YIELD TO FOLLOWING TRAFFIC."**

House Committee Substitute for Committee Substitute for Senate Bill 222 (JUD) will, with the cooperation of the Department of Transportation and Public Facilities, increase the number of posted signs along some of Alaska's highways informing motorists of the existing regulation prohibiting a vehicle from delaying traffic. This bill will also increase the fine for those in violation of this law from \$30 to a fine of at least \$100.

Current Alaska regulation prohibits traffic traveling at less than the posted speed limit from delaying five or more vehicles and that the vehicle shall pull over at the first opportunity to do so safely; however, many drivers are not aware of this. It is the intent of this bill to make motorists more conscious of this law and to lessen some of the congestion on our highways, especially during the summer months.

The Department of Transportation and Public Facilities has committed to placing 20 signs on key areas of Alaskan Highways. The signs will indicate that it is unlawful to delay five or more vehicles and that a violation is punishable by a fine of at least \$100.

This legislation is a step in the right direction to lessen the traffic congestion problems caused by slow vehicles. It is unfair and dangerous to motorists that a few drivers should "own" the road and dictate their own speed limit.

HCS CSSB 222(JUD) as written would only apply to drivers delaying five or more vehicles while traveling at 5 or more miles below the speed limit. This does not coincide with the current regulation. I believe the language in the previous "O" version should be restored, making it illegal for a driver to delay five or more vehicles while they are traveling under the speed limit at any time.

DD/sew

Co-Chair: Senate Finance Committee  
Vice-Chair: Senate Judiciary Committee  
Member: Legislative Budget and Audit Committee • Legislative Council

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January-May: STATE CAPITOL • JUNEAU, AK • 99801 • (907) 465-3892 • FAX: (907) 465-6595  
June-December: 716 West Fourth Avenue • Suite 400 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238  
Email: Senator\_Dave\_Donley@legis.state.ak.us

Sec. 28.35.140. Unlawful obstruction or blocking of traffic.

A person may not purposely obstruct or block traffic on any roadway by any means. However, a service vehicle such as a bus, garbage truck, tow truck, or ambulance may make brief stops on a roadway, which stops on the roadway are necessary in the performance of its services.

History -

(Sec. 50-5-7 ACLA 1949; am Sec. 1 ch 174 SLA 1970)

Decisions -

This law pertains to roads of sufficient width and condition to permit vehicles to pass, without injury to their tires or other parts, and without danger of collision. *Vogler v. Greimann*, 12 Alaska 19, 78 F. Supp. 575 (D. Alaska 1948).

On a two-lane highway, even a one foot obstruction could easily cause a following car to swerve into the opposite lane to clear a parked vehicle. This would interfere with the normal flow of traffic and amount to a violation under this section. *Beumaster v. Crandall*, 576 P.2d 988 (Alaska 1978).

This section is not an exclusive list of service vehicles. *Beumaster v. Crandall*, 576 P.2d 988 (Alaska 1978).

A driver, while not operating a professional service vehicle, may be engaged in the same activity as a service vehicle would have been. *Beumaster v. Crandall*, 576 P.2d 988 (Alaska 1978).

Such as pulling over to aid occupants of overturned car. - This section describes service vehicles as buses, garbage trucks, tow trucks or ambulances, but a reasonable construction of the statute would hold that one who pulled his car over to the side of the road in an emergency situation in order to aid the occupants of an overturned car, was acting in a service capacity. *Beumaster v. Crandall*, 576 P.2d 988 (Alaska 1978).

A person who pulled over to the side of the road in an emergency situation in order to aid the occupants of an overturned car, apparently parking as far over on the right as he could given the snow conditions and the presence of a ditch on the side of the road, and who also turned his emergency flasher lights on, was entitled to make a brief stop on the roadway as necessary in the performance of samaritan efforts. *Beumaster v. Crandall*, 576 P.2d 988 (Alaska 1978).

Collateral Refs -

7A Am. Jur. 2d, Automobiles and Highway Traffic, Sec. 277.

61A C.J.S., Motor Vehicles, Sec. 684.

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB222  
(S) Publish Date: 2/19/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
Title: An Act relating to certain motor vehicles that are required to yield to following traffic BRU: Highways and Aviation  
Component: Central Region Highways and Aviation  
Sponsor: Donley  
Requester: Senate Transportation Component No.: 564

### Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	30.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>30.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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### FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	30.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>30.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

### POSITIONS

Full-time						
Part-time						
Temporary						

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

The department expects to install approximately 20 signs at appropriate highway locations to notify the public of the law. Production and installation costs approximately \$1500/sign. 20 signs X \$1500 = \$30.0

Prepared by: Dennis R. Poshard, Assistant to Commissioner  
Division: Commissioner's Office  
Approved by: Joseph L. Perkins, Commissioner  
Agency: Alaska Department of Transportation and Public Facilities

Phone 465-3904  
Date/Time 2/11/02 9:51 AM  
Date 2/11/2002

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSSB 222(TRA)  
(S) Publish Date: 3/1/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
Title Require Slow Drivers to Pull Over BRU AST Detachments  
Component AST Detachments  
Sponsor Senator Donley  
Requester Senate Finance Committee Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill will have no fiscal impact for the Department of Public Safety.

Prepared by: Lt. Julia Grimes Phone 269-4532  
Division: Division of Alaska State Troopers Date/Time 2/25/02 3:04 PM  
Approved by: Commissioner Glenn Godfrey Date 2/25/2002  
Agency: Department of Public Safety