

HB

510

Alaska State Legislature

House of Representatives



Transportation Committee

SPONSOR STATEMENT

HB 510

COMMERCIAL MOTOR VEHICLES: REGULATIONS

This legislation completes the consolidation of the truck size, weight, safety and permitting regulatory programs that was started with Executive Order 98 effective at the beginning of Fiscal Year 98.

The authority to promulgate regulations for driver/vehicle safety requirements and hazardous materials transport currently resides in the Department of Public Safety. This legislation transfers that authority to the Department of Transportation and Public Facilities.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 510
 (H) Publish Date: 4/3/02

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title An Act relating to the regulation of BRU Measurement Standards and CVE
commercial motor vehicles... Component Measurement Standards and CVE
 Sponsor House Transportation
 Requester House Transportation Component No. 2332

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	0.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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	0.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

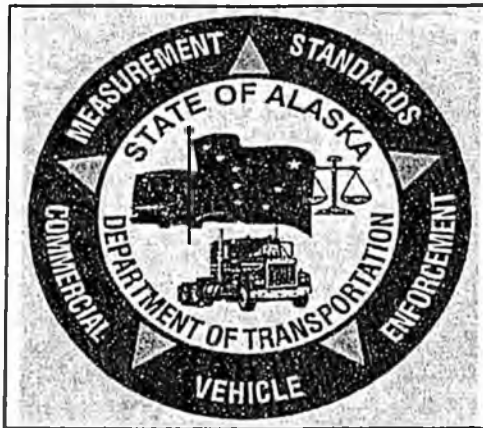
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gannis R. Poshard, Assistant to Commissioner Phone 465-3904
 Division Commissioner's Office Date/Time 4/1/02 1:42 PM
 Approved by: Joseph L. Perkins, Commissioner Date 4/1/2002
 Agency Alaska Department of Transportation and Public Facilities



Commercial Vehicle Statute Changes

Driver/Vehicle Safety Requirements

Hazardous Material Transport Requirements

House Bill

March 22, 2001

This legislation completes the consolidation of the truck size, weight, safety and permitting regulatory programs that was started with Executive Order 98 effective at the beginning of Fiscal Year 98. The authority to promulgate regulations for driver/vehicle safety requirements and hazardous materials transport currently resides in the Department of Public Safety. This legislation transfers that authority to the Department of Transportation and Public Facilities. The following bullets describe the effect of the legislative change.

- Alaska has not received any formal sanctions from the Federal Motor Carrier Safety Administration, US DOT on our currently outdated regulations. We have regulations prepared and ready to go through the adoption process as soon as this legislative change is effective.
- The proposed legislation will transfer the authority to adopt regulations related to commercial motor vehicle safety from the Department of Public Safety to the Department of Transportation and Public Facilities. The transport of hazardous material is not the only matter addressed in the state's commercial motor safety regulations. The other subjects also include equipment standards, working conditions for drivers, and vehicle inspection standards.
- This legislation continues the process that began with Executive Order 98. That executive order transferred the authority to run weigh stations and issue over weight and over size vehicle permits from the Department of Commerce and Economic Development to DOT&PF. It also transferred the authority to conduct commercial motor vehicle safety inspection programs from the Department of Public Safety to DOT&PF.
- With the changes that were made under Executive Order 98, the trucking industry has had one stop service, i.e. vehicles are weighed, over weight or over size permits are issued, commercial motor vehicles inspected.

Commercial Vehicle Statute Changes
March 22, 2002

- The proposed legislation will complete the transfer of the regulatory authority over commercial motor vehicles to the DOT&PF. It will be in the best interests of the state and the trucking industry for this transfer to occur because the people responsible for the adoption of the commercial motor vehicle safety will also be enforcing the standards.
- Federal law requires that the state commercial motor vehicle safety inspections be no less stringent than federal law or regulations. Under 49 USC 31141 state commercial motor vehicle safety regulations are pre-empted if the Secretary of Transportation finds that state commercial motor vehicle regulations are less stringent than federal law or regulation. Alaska has avoided that result by incorporating by reference the federal commercial motor vehicle safety regulations which provide equipment standards, working conditions for drivers and vehicle inspection standards.
- At the present time Alaska's commercial motor vehicle safety standards incorporate by reference the federal regulations that existed in 1995. While there have not been any notices of non-compliance issued by the Federal Motor Carrier Safety Administration, operators in Alaska have not received the benefit of any advantages that newer regulations may provide.
- In order for Alaska to continue receiving federal grant money, our regulations need to be compatible with the Code of Federal Regulations

Aves D. Thompson, Director
Measurement Standards and
Commercial Vehicle Enforcement
AK Dept of Transportation and Public Facilities
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Sec. 19.10.060. Size, weight, and load provisions; restriction on use of highways; commercial vehicle inspection program.

(a) The department, with respect to highways under its jurisdiction, may

(1) establish limitations on weight, size, and load of vehicles, except as otherwise provided in AS 19.10.065;

(2) prohibit the operation or impose restrictions on vehicular use of highways during certain seasons of the year.

(b) The department shall operate motor vehicle weighing stations, issue special written permits authorizing the operation of overweight and oversize vehicles, establish fees for the overweight and oversize vehicle special permits, enforce the size, weight, and load limitations adopted under this section, and establish regulations relating to pilot car services and the enforcement of the size, weight, and load limitations adopted under this section.

(c) The department shall adopt regulations necessary to implement a commercial motor vehicle safety inspection program needed to avoid loss or withholding of federal highway money. (§ 5 art III title II ch 152 SLA 1957; am § 1 ch 55 SLA 1963; am § 25 ch 144 SLA 1977; am § 2 ch 77 SLA 1982; am § 1 ch 26 SLA 1987; am E.O. No. 98 § 3 (1997))

Cross references. For transitional provisions relating to the addition of subsections (b) and (c), see § 17, E.O. 98.

Administrative Code. - For operations, wheeled vehicles, see 17 AAC 25.

For buses, see 17 AAC 28.

For toll highways, see 17 AAC 35.

For Anton Anderson Memorial Tunnel, see 17 AAC 38.

Effect of amendments. The 1997 amendment, effective July 1, 1997, added subsections (b) and (c).

Collateral references. Validity, construction, and application of statute or other regulation affecting moving of buildings on highways. 83 ALR2d 464.

Liability for damage to highway or bridge caused by size or weight of motor vehicle or load. 53 ALR3d 1035.

For HB 510

Sec. 28.05.011. Duty of commissioners to adopt regulations.

(a) The commissioner of public safety shall, unless otherwise provided by statute, adopt regulations in compliance with AS 44.62 (Administrative Procedure Act) necessary to carry out the provisions of this title and other statutes whose administration is vested in the Department of Public Safety. The regulations must include, but are not limited to:

(1) rules of the road relating to the driving, stopping, standing, parking, and other conduct of vehicles, to pedestrians, and to official traffic control devices;

(2) minimum equipment for vehicles, including, but not limited to, minimum standards of compliance to be met by manufacturers and vehicle sales and repairs businesses;

(3) inspection of vehicles other than commercial motor vehicles, and the removal of vehicles from areas of public use when they are found to be in a defective or unsafe condition;

(4) abandonment of vehicles;

(5) management of records of the Department of Public Safety required for that department's administration of this title and its regulations adopted under this title, including provisions for ensuring the accuracy of information contained in automated and manual information retrieval systems;

(6) definitions of words and phrases used in this title and in regulations adopted under this title unless otherwise provided by statute;

(7) certification and regulation of junk yards;

(8) regulations necessary to implement requirements imposed by federal law or regulation that relate to commercial motor vehicles and that are needed to avoid loss or withholding of federal highway money, other than requirements relating to a commercial motor vehicle driver's licensing program or a commercial motor vehicle safety inspection program.

(b) The commissioner of administration shall, unless otherwise provided by statute, adopt regulations in compliance with AS 44.62 (Administrative Procedure Act) necessary to carry out the provisions of this title whose administration is vested in the Department of Administration. The regulations must include, but are not limited to:

(1) registration, titling, and transfer of vehicles;

(2) licensing of drivers of vehicles and procedures for obtaining limited license privileges;

(3) financial responsibility relating to vehicles other than commercial motor vehicles;

(4) management of records of the Department of Administration required for that

department's administration of this title and its regulations adopted under this title, including provisions for ensuring the accuracy of information contained in automated and manual information retrieval systems;

(5) definitions of words and phrases used in this title and in regulations adopted under this title unless otherwise provided by statute;

(6) registration of motor vehicle, trailer, and semi-trailer dealers;

(7) regulations necessary to implement a commercial motor vehicle driver's licensing program.

(§ 6 ch 178 SLA 1978; am § 3 ch 77 SLA 1982; am § 1 ch 119 SLA 1990; am § 1 ch 3 SLA 1992; am E.O. No. 98 § 5 (1997); am E.O. No. 99 §§ 24, 25 (1997))

Revisor's notes. Under § 18, E.O. 98, § 5 of E.O. 98 and §§ 24 and 25 of E.O. 99 were reconciled by deleting from subsection (a) duties concerning financial responsibility for commercial motor vehicles and a commercial motor vehicle safety inspection program and by, in paragraph (a)(3), inserting "other than commercial motor vehicles" after "inspection of vehicles."

Cross references. For provisions relating to commercial motor vehicles, see AS 19.10.060 and 19.10.300 - 19.10.399; for provisions relating to size, weight, and load limitations, see AS 19.10.060; for transitional provisions concerning the 1997 transfer of functions, see § 17, E.O. 98 and § 77, E.O. 99.