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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						
TOTAL OPERATING	30.0	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	30.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	30.0	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)

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						
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						
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)

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

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.

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. *Beaumaster v. Crandall*, 576 P.2d 988 (Alaska 1978).

This section is not an exclusive list of service vehicles. *Beaumaster 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. *Beaumaster 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. *Beaumaster 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. *Beaumaster 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.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT
HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR
SENATE BILL 222 (FIN)
"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 (FIN) 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.

DD/sew

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

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