

**SB**

**222**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/19/02

REPORTED OUT  
  
MAR 1 2002  
  
SENATE FINANCE  
COMMITTEE

FURTHER:

DATE TURNED  
IN TO OFFICE: 03/01/02

Finance Committee considered

SENATE BILL NO. 222

*SB 222 REQUIRE SLOW DRIVERS TO PULL OVER*

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

and recommends:

- be replaced with ~~CS~~ CS SB 222 (FIN)
- adopt previous CS CS FORTHCOMING ( )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Public Safety	2/25/02		✓	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Lynne Green</i>	✓			
<i>Walter County</i>	✓			
<i>...</i>			✓	
<i>...</i>			✓	
<i>...</i>	✓			
COCHAIR: <i>...</i>	✓			
COCHAIR: <i>...</i>	✓			

# FISCAL NOTE

REPORTED ON:  
 MAR 1 2002  
 SENATE FINANCE  
 COMMITTEE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSSB 222(TRA)  
 () Publish Date: \_\_\_\_\_

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>

**CAPITAL EXPENDITURES**

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**CHANGE IN REVENUES ( )**

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**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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



# Alaska State Senate

## Senate Finance Committee

Official Business

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

MEMO

March 21, 2002

TO: Heidi Vogel, Senate Secretary

From: Mindy Rowland, Senate Finance Secretary *Mindy*

RE: Fiscal notes for SB 222

Please note the Senate Finance Committee intent to report from Committee, CS SB 222 (FIN) with the following fiscal notes.

Department of Transportation and Public Facilities, Highways and Administration  
Component No. 564  
Dated 2/11/2002 9:51 AM  
\$30.0 Total Operating

Department of Public Safety, AST Detachments  
Component No. 2325  
Dated 2/25/2002 3:04 PM  
\$0.0 Total Operating

Thank you for your attention to this matter.

CC: Laura Glaiser, Staff to Senator Pete Kelly  
Sara Wright, Staff to Senator Dave Donley

# FISCAL NOTE

REPORTED OUT  
  
 MAR 1 2002  
  
 SENATE FINANCE  
 COMMITTEE

**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>

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

FUND SOURCE	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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

ADOPTED

WORK DRAFT

WORK DRAFT

WORK DRAFT

22-LS0611VL  
Ford  
2/27/02

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

**BY THE SENATE 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  
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 below the posted speed limit at any  
6 time on a two-lane roadway shall pull the motor vehicle off the roadway at the first  
7 opportunity to pass over safely whenever there is at least 100 feet of visible and  
8 unobstructed roadway in front of that motor vehicle and there are five or more motor  
9 vehicles immediately following that motor vehicle. A person operating a motor  
10 vehicle who violates this subsection is guilty of an infraction as described in  
11 AS 28.40.050(d) and shall be punished by a fine of at least \$200, and the department  
12 shall assess two points against the person's driver's license.



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## MEMORANDUM

**TO:** Senator Pete Kelly  
Co-Chair, Senate Finance Committee

**FROM:** Senator Dave Donley

**DATE:** February 28, 2002

**RE:** Committee Substitute to Senate Bill 222 (TRA) "An Act relating to certain motor vehicles that are required to yield to following traffic"

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Attached is a work draft of Committee Substitute for SB 222 (FIN) "An Act relating to certain motor vehicles that are required to yield to following traffic" for your consideration.

CSSB 222 (FIN) is different from the previous CSSB 222 (TRA) in that it requires vehicles driving below the posted speed limit to pull over. CSSB 222 (TRA) did not have a speed limitation.

Also, it now says that a vehicle is required to pull over at any time it is going under the speed limit and obstructing five or more vehicles. Previously it stated that a motor vehicle only needed to pull over when it was constantly moving under the speed limit.

Also added to the bill was the assessment of two points on a violator's driver's license.

If you have any additional questions or comments, please contact Sara Wright of my staff at x3892. Thank you.

**Attachments:** Work Draft CS for Committee Substitute to Senate Bill 222 (FIN)  
Sponsor Statement for CSSB 222 (FIN)  
Pertinent Statutes and Administrative Code  
Sponsor Statement for CSSB 222 (TRA)  
Fiscal Note for SB 222

DD/sew

**Co-Chair: Senate Finance Committee**

**Vice-Chair: Senate Judiciary Committee**

**Member: Legislative Budget and Audit Committee • Legislative Council**



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

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

Committee Substitute to 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 law prohibiting a vehicle from delaying traffic. This bill will also increase the fine for those in violation of this law from \$30 to \$200 and will assess two points to the violator's driver's license.

Current Alaska regulation prohibits traffic traveling at less than the posted speed limit from delaying five or more vehicles; 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 Alaskan highways with the highest traffic volume. The signs will indicate that it is unlawful to delay five or more vehicles and that a violation is punishable by a minimum fine of \$200 and an assessment of two points on a violator's driver's license.

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

**Co-Chair: Senate Finance Committee**

**Vice-Chair: Senate Judiciary Committee**

**Member: Legislative Budget and Audit Committee • Legislative Council**

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 02.295. MINIMUM SPEED REGULATION

#### Statute text

- (a) No person may drive a motor vehicle so slowly as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with statutes, regulations, or ordinances.
  
- (b) When the Department of Transportation and Public Facilities, or a municipality, in their respective jurisdictions, determines under sec. 280 of this chapter that slow speeds on a highway or part of a highway unreasonably impede the normal movement of traffic, the respective authority may determine a minimum speed limit not in excess of 55 miles per hour for that highway or part of a highway below which no person may drive a vehicle, except when necessary as prescribed in (a) of this section. The limit is effective when posted on fixed or variable signs.

Statute Regulation	Description of Offense	Ball	Statute or Regulation	Description of Offense	
13 AAC 02.090 (a-c)	Following too closely	50	13 AAC 02.215 (a-d)	Signals required turn/stop/ slowing discontinue after	
13 AAC 02.095(a)	Driving over, across or within barrier/median	50	13 AAC 02.240 (a-b)	Obedience to train signals and barriers	
13 AAC 02.095(a)	Failure to stay on right side of divided highway	50	13 AAC 02.250(a)	Certain vehicles to stop at all railroad crossings	
13 AAC 02.095(c)	Improper entry/exit—controlled- access highway	30	13 AAC 02.255(a&b)	Heavy equipment to give notice of RR crossing	
13 AAC 02.107	Drive nearest right edge on narrow/winding roadway	30	13 AAC 02.255(a&c)	Heavy equipment to stop at RR crossing	
13 AAC 02.120(a)	FTY to vehicle on right at unsigned intersection	50	13 AAC 02.257	Give warning w/turn when vision restricted/alley/ driveway/bldgs	
13 AAC 02.120(b)	FTY to vehicle entering inter- section after stop	50	13 AAC 02.257	Stop Emerging from alley/ driveway/building	
13 AAC 02.125	FTY when turning left	50	13 AAC 02.257	Position of stop when emerging from alley/driveway/bldg	
13 AAC 02.130(b)	Improper position of vehicle stopping at stop sign	30	13 AAC 02.265	Stop when traffic may be obstructed	
13 AAC 02.130	FTY after stopping or at yield sign	50	13 AAC 02.275(a)	Basic speed. Reasonable & prudent for road conditions	
13 AAC 02.130(b)	Failure to stop for stop sign	50	13 AAC 02.275(b)	Speeding: 3--19 mph over posted limit	4/mi
13 AAC 02.135(b)	FTY when entering roadway from non-roadway	50	13 AAC 02.280 (a-d)	Altered speed limits 3--19 mph over posed limit	4/mi
13 AAC 02.140(c)	Driver of emergency vehicle not to disregard safety	30	13 AAC 02.295	Minimum speed regulation	30
13 AAC 02.150 (a-b)	Pedestrians subject to traffic regulations	20	13 AAC 02.325(a)	Speed limitation on motor- driven cycles at night	30
13 AAC 02.155(a)	FTY to pedestrian in crosswalk	50	13 AAC 02.325 (b)&(c)	Special speed limit when (b) Towing mobile home or (c) Passing school bus with flashing yellow lights 3--19 mph over	4/mi
13 AAC 02.155(b)	Pedestrian to exercise due caution	20	13 AAC 02.325(c)	Driving with lighted headings at unreasonable speed	30
13 AAC 02.155(c)	Vehicle not to pass vehicle stopped for pedestrian	50	13 AAC 02.325(f)	Overweight, oversize or excess speed when crossing over bridge or through tunnel 3--19 mph over	4/mi
13 AAC 02.155(e)	Not to drive within or through pedestrian safety zone	30		Overwidth	25/ft
13 AAC 02.160 (a-d)	Pedestrian crossing at other than crosswalks	20		Overlength	10/ft
13 AAC 02.175 (a-c)	Pedestrian to use sidewalk/ left edge of roadway and not interfere, sleep, loiter or obstruct	20		Overweight	0.5/lb
13 AAC 02.180	Pedestrian not to distract drivers when soliciting rides and pedestrian not to solicit employment, business or contri- butions from vehicle occupants	20	13 AAC 02.340(a-d except (d)(1)(L))	Stopping/standing/parking on highway/other location	10
13 AAC 02.190(a)	FTY to pedestrian w/white cane/ guide dog	50	13 AAC 02.340(d) (1)(L)	Handicapped parking	100
13 AAC 02.190(b)	Not to use white cane/guide dog unless blind	20	13 AAC 02.365 (a-g)	Additional parking regulations	10
13 AAC 02.195(a)	Pedestrian FTY to authorized emergency vehicle	20	13 AAC 02.367(d)	Not to stop/stand/park in loading zone	10
13 AAC 02.200 (a-c)	Improper position/method turning at intersection	30	13 AAC 02.372(b)	Position of bus stopping to load/unload passengers	10
13 AAC 02.205 (a-b)	U-turn only when safe/not on hill, crest or curve	30	13 AAC 02.372(c)	Taxi cab restrictions on standing/parking	10
13 AAC 02.210	Improper start from parked/ stopped standing	30			

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 a 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 COMMITTEE SUBSTITUTE TO SENATE BILL 222

"C" Version

### "AN ACT RELATING TO CERTAIN MOTOR VEHICLES THAT ARE REQUIRED TO YIELD TO FOLLOWING TRAFFIC."

Committee Substitute to Senate Bill 222 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 law prohibiting a vehicle from delaying traffic. This bill would also increase the fine for those in violation of this law from \$30 to \$200.

Current Alaska regulation prohibits slow traffic from delaying five or more vehicles; 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.

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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 "o" the road and dictate their own speed limit.

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

[www.akrepublicans.org/Donley.htm](http://www.akrepublicans.org/Donley.htm) • [www.legis.state.ak.us/senate/donlev/htm](http://www.legis.state.ak.us/senate/donlev/htm)

