

**HB**

**280**

# SENATE COMMITTEE REPORT

DATE: 5/14/03

FURTHER:

DATE TURNED  
IN TO OFFICE: 5/17/03

State Affairs Committee considered CS FOR HOUSE BILL NO. 280(FIN)

## HB 280 COMMERCIAL MOTOR VEHICLES:REGULATIONS

"An Act relating to the regulation of commercial motor vehicles to avoid loss or withholding of federal highway money, and to out-of-service orders concerning commercial motor vehicles; moving authority for commercial motor vehicle regulation from the Department of Public Safety to the Department of Transportation and Public Facilities; amending Rule 43.1, Alaska Rules of Administration; and providing for an effective date."

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

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#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
DOA	4/28/03		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>				

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: HB 280  
(H) Publish Date: 4/30/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title An act relating to the regulation of BRU Motor Vehicles  
commercial motor vehicles.... Component Motor Vehicles  
Sponsor (H) FIN Component No. 2348  
Requester (H) TRA

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
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 (FY2003) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill has no fiscal impact on DMV.

Prepared by: Charles R. Hosack Phone 269-5559  
Division Motor Vehicles Date/Time 4/28/03  
Approved by: Mike Miller, Commissioner Date 4/28/2003  
Agency Department of Administration

Alaska State Legislature  
House Finance Committee

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**Sponsor Statement for CSHB 280(FIN)  
Commercial Motor Vehicles: Regulations**

**“An Act relating to the regulation of commercial motor vehicles to avoid loss or withholding of federal highway money, and to out-of-service orders concerning commercial motor vehicles; moving authority for commercial motor vehicle regulation from the Department of Public Safety to the Department of Transportation and Public Facilities; amending Rule 43.1, Alaska Rules of Administration; and providing for an effective date.”**

House Bill 280 would transfer certain authority to regulate commercial motor vehicles from the Department of Public Safety (DPS) to the Department of Transportation and Public Facilities (DOT&PF). This change is needed to avoid losing federal highway money. The bill also directly amends Rule 43.1 of the Alaska Rules of Administration.

Under current law, the authority to adopt regulations regarding commercial motor vehicles is divided among: the Department of Administration (DOA) for licensing of drivers of commercial motor vehicles; the DOT&PF for matters relating to commercial motor vehicle inspections; and the DPS for all matters relating to commercial motor vehicles. Under this bill, the authority to adopt regulations necessary to avoid the loss or withholding of federal highway money would be vested in DOT&PF, except for matters that relate to licensing of drivers of commercial motor vehicles.

The bill corrects an oversight that occurred when implementing Executive Orders 98 and 99 in 1997. EO 98 transferred the responsibility for commercial motor vehicle safety inspections from the DPS to the DOT&PF. EO 99 transferred most functions related to motor vehicles found in Title 28 from DPS to the Department of Administration (DOA). After the issuance of EO's 98 and 99, DPS retained the authority to adopt regulations related to commercial motor vehicles, except for safety inspections and driver licensing. HB280 would transfer the remaining regulation authority in DPS relating to commercial motor vehicles to DOT&PF. The Department needs the authority to adopt these regulations to avoid the loss or withholding of federal funding.

Federal Motor Carrier Safety Administration regulations provide that a state becomes ineligible for Basic Program or Incentive funds under the Motor Carrier Safety Assistance Program for failure to adopt any new regulation or amendment to the Federal Motor Carrier Safety Regulations (FMCSR) or

the Hazardous Materials Regulations (HMR) within three years of its effective date. Since the state's adoption of federal regulations pertaining to CMV operations, driver/vehicle safety standards and hazardous materials transport has not been updated since 1995, Alaska is out of compliance.

Alaska will receive \$685.5 in Basic Program and Incentive Funds in FFY2003. Loss of these funds through failure to pass this legislation and the subsequent failure to adopt the current regulations will virtually eliminate commercial vehicle safety enforcement effort in Alaska.

The Alaska Trucking Association, Teamsters Local 959 and the Associated General Contractors of Alaska support the bill provisions correcting the regulation adoption authority problems and supporting the language in existing statute. The Departments of Public Safety and Administration also support this legislation.

The Committee Substitute, which passed the House Finance Committee without objection, changes the title to add the phrase "moving authority for commercial motor vehicle regulation from the Department of Public Safety to the Department of Transportation and Public Facilities". This has the effect of tightening the title to clarify what the bill does.

*Contact: Tim Barry, Aide to Representative Bill Williams, at (907) 465-3424*



*Commercial Vehicle Statute Changes*

*Driver/Vehicle Safety Requirements*

*Hazardous Material Transport Requirements*

*House Bill 280*

*May 13, 2003*

*14*

*ASHB 280*

Thank you Mr. Chairman, my name is Aves Thompson. I am the Director of the Division of Measurement Standards and Commercial Vehicle Enforcement in the Alaska Department of Transportation and Public Facilities.

Our division is responsible for commercial vehicle size, weight and safety enforcement, commercial vehicle operating credentials and also for enforcing and maintaining standards for weights and measures used in commerce in Alaska.

The key elements of the Commercial Vehicle Safety Program include fixed weigh station and mobile commercial vehicle enforcement. The Commercial Vehicle

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Enforcement Officers conduct driver / vehicle safety inspections, enforce size and weight regulations and inspect hazardous material transport.

At the beginning of FY98, Executive Order 98 consolidated commercial motor vehicle regulation and enforcement from the Departments of Public Safety and Community and Economic Development into DOT&PF. The consolidation of these programs in one state agency was intended to result in greater convenience to industry and the public, as well as more efficient management of the programs. To a very large extent, this has been accomplished. In implementing the consolidation, one minor omission occurred in the transfer of the necessary regulation promulgation authority.

While most of the authority to effectively operate the truck size, weight, safety and permitting programs was

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given at that time to DOT&PF, the authority to promulgate regulations for driver/vehicle safety requirements and hazardous materials transport was not transferred and currently resides in the Department of Public Safety. HB 280 transfers that authority to DOT&PF and completes the consolidation of CMV regulatory and enforcement programs started with EO98.

Except for matters that relate to licensing of drivers of commercial motor vehicles, HB 280 gives the authority to adopt regulations necessary to avoid the loss or withholding of federal highway money to DOT&PF. These commercial motor vehicle safety regulations address equipment standards, working conditions for drivers and vehicle inspection standards. The hazardous material transport regulations deal with notification, movement, labeling and documentation of hazardous materials loads.

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In addition, HB 280 sets a prohibition in Title 28, against operating a commercial motor vehicle after being placed out of service under a regulation adopted under Title 19. Other sections provide for changes to the bail schedule and allow for a transition period for DPS regulations to continue in force until new regulations are adopted by DOT&PF.

The department is prepared to proceed with the regulation adoption process once these legislative changes are effective.

Federal Motor Carrier Safety Administration regulations provide that a state becomes ineligible for Basic Program or Incentive funds under the Motor Carrier Safety Assistance Program for failure to adopt any new regulation or amendment to the Federal Motor Carrier Safety Regulations (FMCSR) or the Hazardous Materials

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Regulations (HMR) within three years of its effective date.

Adoption of changes to these federal regulations has not occurred since 1995, and we are out of compliance.

In FFY2003, Alaska will receive \$685.5 in Basic Program and Incentive Funds. Passage of this bill is critically important as DOT&PF needs the authority to adopt these regulations to avoid the loss or withholding of federal funding. Loss of these funds through failure to pass this legislation and the subsequent failure to adopt the current regulations will virtually eliminate our commercial vehicle safety enforcement effort.

The bill provisions correcting the regulation adoption authority problems and supporting the language in existing statute are supported by the Alaska Trucking

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Association, Teamsters Local 959 and the Associated General Contractors of Alaska. The Departments of Public Safety and Administration also support this legislation.

I urge you to move HB 280 out of committee with a favorable recommendation. Thank you for the opportunity to testify and I will try to answer any of your questions.

Aves Thompson, Director  
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and Public Facilities  
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