

HB

266

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
 MAY 06 2006
 SENATE FINANCE COMMITTEE

DATE: 5/1/06

FURTHER:

DATE TURNED
 IN TO OFFICE: 6 May 2006

Finance Committee considered CS FOR HOUSE BILL NO. 266(FIN)

HB 266 VEHICLE WEIGHTS AND INSURANCE

"An Act relating to penalties for violation of vehicle weight limitations; prohibiting the use of a violation of a vehicle weight limitation for certain personal automobile insurance actions; amending Rule 43.6, 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

CS Senate Bill:

- Same Title
- New Title

SCS House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Ind.	Zero	FN#
DCCED	1/23/06		✓	#4
DOTPF	1/20/06		✓	#5
LAW	1/25/06		✓	#6

APPROPRIATION - no fiscal note

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

FISCAL NOTE

REPORTED OUT
MAY 06 2006
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSHB 266(FIN)
(H) Publish Date: 1/27/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
Title Vehicle Weights and Insurance RDU Insurance (116)
Component Insurance
Sponsor House Transportation
Requester House Finance Component No. 354

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
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 (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation prohibits the use of a violation of vehicle weight limitation for certain personal automobile insurance actions. It has no fiscal impact of the operations of the Division of Insurance.

Prepared by: Linda S. Hall, Director
Division: Insurance
Approved by: William C. Noll, Commissioner
Agency: Commerce, Community and Economic Development

Phone 907-269-7900
Date/Time 1/23/06 5 05 PM
Date 1/23/2006

FISCAL NOTE

REPORTED OUT
MAY 06 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 5
 Bill Version: CSHB 266(FIN)
 (H) Publish Date: 1/27/06

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Vehicle Weights and Insurance RDU Administration & Support
 Component Commissioner's Office
 Sponsor House Transportation
 Requester House Finance Component No. 530

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual	0.0	0.0	0.0	0.0	0.0	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)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	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 (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

POSITIONS	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: John Manly Phone 465-8994
 Division: Legislative Liaison, DOT&PF Date/Time 1/20/06 11:30 AM
 Approved by: Miko Barton Date 1/20/2006
 Agency: Commissioner, DOT&PF

FISCAL NOTE

REPORTED OUT
MAY 06 2006
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 6
Bill Version: CSHB 266(FIN)
(H) Publish Date: 1/27/06

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title "An Act relating to offenses and penalties for RDU CIVIL
violation of vehicle weight limitation for certain personal..." Component Collections and Support
Sponsor House Transportation Committee
Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
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

CHANGE IN REVENUES (GF)	*****	*****	*****	*****	*****	*****
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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 (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
This bill amends AS 21.36 preventing an automobile insurer from taking adverse action against an insured driver because of a violation relating to an overweight vehicle. The bill repeals and reenacts AS 45.75.380 (b) (Weights and Measures Act - General Provisions) by specifying a new fine schedule for violations of certain weight, load or size restrictions. The bill also specifies that a motor carrier who is found to exhibit a pattern or practice of violations under AS 45.75.380 (a)(10) or (11) is subject to a \$10,000 dollar fine in addition to other applicable fines. The current law imposes a per incident fine of \$500, as well as a \$.05 fine for each pound over the weight limit. The Department of Law's Collections section already bears responsibility for collecting any fines imposed under the current structure to the extent they are forwarded for collection by the Court System. There may be an indeterminate change to the amount collected through passage of this legislation. There should not be an impact to workload.

Prepared by: Kathryn Daughhotee, Director Phone 465-3673
Division Administrative Services Division Date/Time 1/25/06 8:33 AM
Approved by: Kathryn Daughhotee for David Márquez, Attorney General Date 1/25/2006
Agency Department of Law

COMMITTEE COPY

ALASKA STATE LEGISLATURE

INTERIM

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State Capitol Building
Juneau, Alaska 99801
Phone: (907) 465-3424
Fax: (907) 465-3793

REPRESENTATIVE JIM ELKINS

Sponsor Statement

Thank you Mr. Chairman, today before you is House Bill 266, "An Act relating to penalties for violation of vehicle weight limitations;" modifies existing law related to the penalty structure for overweight vehicle violations.

This legislation proposes the first increase in penalties since the existing provisions were established in the 1970s. Existing provisions do not adequately inhibit commercial shipping companies and others from violating overweight vehicle limitations. The proposed modification establishes a graduated penalty for the amount of weight in excess of the limitations set by statute, regulation and permit.

Another provision of the bill prohibits the use of overweight vehicle violations for use by insurers to adversely impact decisions related to providing private automobile insurance coverage for drivers.

This legislation will protect drivers who do not know they are in violation and protect our roads from overweight vehicles in Alaska. The Department of Transportation, Teamsters, and Horizon Shipping Lines all support HB 266, and we urge you to do the same.

ALASKA STATE LEGISLATURE

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Juneau, Alaska 99801
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REPRESENTATIVE JIM ELKINS

House Bill 266 Sectional Analysis

Section 1 Adds AS 21.36.307; prohibiting an insurer from taking adverse action relating to the personal automobile insurance of a driver who commits one or more violations relating to overweight vehicles under AS 45.75.380(a)(10) or (11). Defines "adverse action."

Section 2 Repeals and reenacts AS 45.75.380 (b). Establishes the maximum fines for overweight vehicles according to the weight-range in which the overweight amount falls.

Section 3 Adds a new section to uncodified law to recognize that sec.2 of the Act amends Rule 43.6, Alaska Rules of Administration, by increasing the maximum fines for overweight vehicles.

Section 4 Adds a new section to uncodified law to state that a two-thirds vote is not required for sec. 2.

Section 5 Adds a new section to uncodified law to state the applicability of sec. 1 and 2 of the Act. Section 1 applies to an adverse action by an insurer on or after the effective date of the Act based on an overweight vehicle violation occurring before, on, or after the effective date of the Act. Section 2 applies to offenses committed on or after the effective date.

Section 6 Provides for an immediate effective date.

SENATE COMMITTEE REPORT

DATE: 4/25/06

FURTHER: Judiciary
Finance

DATE TURNED
IN TO OFFICE: 4/27/06

Transportation Committee considered CS FOR HOUSE BILL NO. 266(FIN)

HB 266 VEHICLE WEIGHTS AND INSURANCE

"An Act relating to penalties for violation of vehicle weight limitations; prohibiting the use of a violation of a vehicle weight limitation for certain personal automobile insurance actions; amending Rule 43.6, Alaska Rules of Administration; and providing for an effective date."

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CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

AF APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
Cowdery	<input checked="" type="checkbox"/>			
French			X	
Kookesh			X	
CHAIR: Huggins	<input checked="" type="checkbox"/>			

