

HB

126



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

The Honorable Sarah Palin
Governor of Alaska
Juneau, AK 99811

Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

Refer to: MC-ESL

JAN 31 2007

Dear Governor Palin:

This is a follow-up to the May 17, 2006, letter in which the Federal Motor Carrier Safety Administration (FMCSA) issued a determination of substantial noncompliance to the State of Alaska. That determination was based on the State's failure to adopt the statutory authority needed to enforce all the required Commercial Driver's License provisions of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). In addition, Alaska had not met the projected dates in its Action Plan (submitted in February 2006 to FMCSA) for beginning and passing the Structured Test administered by the American Association of Motor Vehicle Administrators (AAMVA) for transmitting and receiving via the Commercial Driver License Information System the new data elements required by MCSIA.

Since the May 17, 2006 letter, FMCSA has been encouraged that Alaska has established the date of January 29, 2007, to begin structured testing with AAMVA and has drafted legislation that it plans to introduce to the legislature that would bring the State into compliance with the MCSIA provisions for which it lacked statutory authority. Tracy Lewellyn, FMCSA Division Administrator in Alaska, has indicated to us that Kerry Hennings and Shelly Mellott deserve praise for their efforts in resolving compliance issues.

Nonetheless, this letter is a reminder that Alaska is scheduled to lose up to 5 percent of its Federal-aid highway funds on October 1, 2007. The FMCSA will withdraw this determination only when the required legislation is passed and signed by you and when the State successfully completes the structured test of the MCSIA data elements administered by AAMVA.

The FMCSA would like to see Alaska take the necessary steps to avoid sanctions and join other States in creating a system to keep unsafe drivers of commercial motor vehicles off our highways by implementing the provisions of MCSIA.

The FMCSA Division Administrator Tracy Lewellyn and her staff are available to assist you. She may be contacted at (907) 271-4068.

Sincerely yours,

John H. Hill

cc:

Annette Kreitzer, Commissioner, Alaska Department of Administration
Duane Bannock, Director, Alaska Division of Motor Vehicles
Leo von Scheben, Commissioner, Alaska Department of Transportation
Dominick Spataro, Division Chief, FMCSA CDL Division
Tracy Lewellyn, FMCSA Division Administrator, Alaska
William R. Paden, FMCSA Field Administrator, Western Service Center
Kent Fleming, FMCSA Western Service Center
J. Richard Capka, Administrator, Federal Highway Administration

ALASKA STATE LEGISLATURE

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State Affairs

REPRESENTATIVE KYLE JOHANSEN
DISTRICT ONE

SPONSOR STATEMENT HB X26

"An act relating to driver's licenses and permits, commercial driver's licenses, and other motor vehicle laws; relating to the driver's license compact; and providing for and effective date."

The intent of HB 126 is to reduce the number and severity of commercial motor vehicle related fatalities and injuries. To achieve these ends, HB 126 updates existing motor vehicle statutes and adds new motor vehicle statutes to meet current and upcoming federal regulations for commercial driver's licenses. This legislation incorporates into Alaska law key provisions of the federal Motor Carrier Safety Improvement Act aimed at improving the overall effectiveness of the commercial driver's license program.

This bill will bring Alaska into compliance of the regulations set forth by the Federal Motor Carrier Safety Administration. Further noncompliance subjects Alaska to the withholding of up to five percent of federal-aid highway funds in the first year and up to ten percent of federal-aid highway funds in the second and subsequent years. The reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$10.4 million in federal fiscal year (FFY) 2008 and \$17.4 million in FFY 2009. If similar amounts to FFY 2009 are assumed, a total of \$80 million over a 5 year period would be lost if Alaska remains noncompliant. These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP).

This bill would exempt from the state's driver's license requirements certain military drivers operating commercial vehicles for military purposes and other drivers in cases of emergencies requiring additional assistance. Also, a nonresident holding a valid CDL issued by another jurisdiction whose permanent residence is maintained in that jurisdiction will not need to be issued a State of Alaska CDL.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB 126 (PLN-02-14-07)
 Bill Version: HB 126
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Commercial Drivers Licenses RDU Planning
 Component Program Development
 Sponsor Johansen
 Requester House STA Component No. 385

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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 (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill brings the state into compliance with the Motor Carrier Safety Improvement Act of 1999.

Under section 384.401 of the Federal Motor Carrier Safety Regulations (49 CFR 384.401), a state that is not in compliance is subject to the withholding of up to five percent of Federal-aid highway funds that would otherwise be appropriated under 23 U.S.C. section 104(b). This reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$7 million in federal fiscal year (FFY) 2008 (starting October 1, 2007) and \$14 million in FFY 2009 (October 2008).

These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP).

Prepared by: Mary Siroky Phone 465-4772
 Division Commissioner's Office Date/Time 2/14/07 12:00 AM
 Approved by: John MacKinnon Date 2/14/2007
 Agency Department of Transportation and Public Facilities

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB126-DOA-DMV-2-13-07
 Bill Version: HB 126
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "An Act relating to driver's licenses and permits,
commercial driver's licenses..." RDU Division of Motor Vehicles
 Component Motor Vehicles
 Sponsor Rep. Johansen
 Requester (H) STA Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will update existing motor vehicle statutes to bring the state into compliance with current and upcoming federal regulations for commercial driver's licenses.

We do not anticipate any change in expenditures or revenue as a result of this bill.

Prepared by: Duane Bannock, director Phone 269-5559
 Division: Motor Vehicles Date/Time 2/13/07 10:00 AM
 Approved by: Kevin Brooks, Deputy Commissioner Date 2/13/2007
 Agency: Department of Administration

Alaska Trucking Association, Inc.

3443 Minnesota Drive · Anchorage, Alaska 99503 · Phone (907) 276-1149 · Fax (907) 274-1946
www.aktrucks.org

February 19, 2007

Chairman Bob Lynn
House State Affairs Committee
Alaska State Legislature
State Capitol, Room 104
Juneau, AK 99801

re: HB 126

Dear Chairman Lynn,

The Alaska Trucking Association is a state wide organization representing trucking interests from Barrow to Ketchikan. In another three weeks, we will conduct our 49th Annual Meeting celebrating over 49 years of representing our industry in Alaska. Our more than 200 members represent all of the diverse trucking operations in the state and many associate members who provide goods and services to our industry.

On behalf of ATA, I take this opportunity to express our support of HB126. HB 126 is an important bill relating to commercial drivers licenses, DMV operations and other driver issues.

In reviewing the bill, we are in agreement with the intent of the bill to reduce the number and severity of commercial motor vehicle related fatalities and injuries. Alaska has had an admirable commercial vehicle safety record over the years and we support efforts to continue to improve safety for commercial vehicles. One of the elements of our mission statement is to "...promote highway and driver safety."

Provisions of the bill will bring Alaska into compliance with Federal Motor Carrier Safety Administration regulations which will eliminate the possibility of federal sanctions against our federal-aid highway funds. These funds are currently in jeopardy due to Alaska's non-compliance.

Exemptions are included to expand the military exemption language to include more service members and to allow a non-CDL holder to operate snow removal equipment in case of emergency.

Chairman Bob Lynn
House State Affairs Committee
February 19, 2007

In line with FMCSA regulations, this change also allows a non-resident to operate a CMV using their home state license.

Bill language clearly states that 19 year old drivers may be issued a CDL to operate in intra state commerce. This clears up some previous ambiguities.

Many of the changes update penalties for drivers for disqualifying offenses. This will assist in keeping bad or unfit drivers off our highways thereby improving the safe driving environment.

To reiterate, Mr. Chairman, we support HB126 and urge the committee to move the bill with do pass recommendations.

Sincerely,



Aves D. Thompson
Executive Director

cc: Representative Kyle Johansen
Sponsor

SECTIONAL ANALYSIS

HOUSE BILL NO. 126

"An Act relating to driver's licenses and permits, commercial driver's licenses, and other motor vehicle laws; relating to the driver's license compact; and providing for an effective date."

Introduced: February 12, 2007

Section 1: Language to support the prior authorization under AS 28.35.030(q) and AS 28.35.032(s) for DQA/DMV to review criminal histories prior DUI/Refusals for proper application of revocation, suspension, cancellation and disqualification timeframes. Current records are not complete.383.51

Section 2: Amends requirements so more current addresses may be used as reflected on citations, police reports, judgments or crash reports for notification of CDL drivers.383.141

Section 3: Expands military exemption language to include more service members as required by FMCSA. 383.3 (c)

Adds exemption to allow non-CDL holder to operate snow removal equipment in case of emergency (this is good for the rural communities). 383.3(d)(3)

Allows a non-resident to operate a CMV using their home state license. FMCSA allows one CDL issued from the state where you are domiciled (permanent residence). 383.212

Section 4: Adds cancel and withdrawal language to comply with 384.201, 384.210

Section 5: Adds disqual language but may still be eligible for base privilege 384.212, 383.5

Section 6: Removes 1 year expiration of school bus license (no longer needed due to removal of tuberculin requirement in 05) which will allow the state to add a school bus license as an endorsement to a CDL as required by FMCSA 383.93, 383.123, 384.201

Section 7: Alaska allows CDL instruction permit holders to renew a CDL instruction permit as many times as requested effectively allowing a driver to operate a CDL along side a licensed CDL driver forever without taking the CDL skills test. DMV chose 1 renewal which equals 4 years total of driving on an instruction permit. Instruction permits will be issued specifically for each type of CDL (IC, IB, IA) so each upgrade allows 4 years of practice time.

Sections 8: Clarifies "legal" name and requires applicant to provide past driving history 384.206(2)(ii)

Section 9: "May" to "Shall" and maintaining disqual info 384.225, 384.207

Section 10: "May" to "Shall" and update record in 10 days 384.225, 384.207

Section 11: "May" to "Shall" and provide record in 10 days 384.225, 384.207

Section 12: "Shall" send convictions to other states.

Section 13: Change from one-month/three months to 30 days/90 days for consistency and equitable/equal time frames of suspension.

Section 14: Add disqualifications

Section 15: Clearly define 19 yoa to operate intrastate. Add domicile per Fed. Reg.

Section 16: Add administrative actions and 2 new federal offenses

Section 17: Gives admin authority after court conviction to take disqual.

Section 18: Gives admin authority after court conviction to take disqual Change "substance" to "material" to comply with FMCSA

Section 19: Gives admin authority after court conviction to take disqual.

Section 20: Surrender of license if admin. Action

Section 21: Increases penalties to match federal requirements.

Section 22: Gives admin authority after court conviction to take disqual

Section 23: Gives USDOT authority to declare a driver an imminent hazard and creates civil penalties for employers.

Section 24: Adds disqualification info

Section 25: Adds 3 new serious offenses as required by FMCSA

Section 26: Adds new definitions

Section 27: Removes definition that has been added in AS 28.05.065

Section 28: Same amendment and logic as Section 2

Section 29: Updates compact with federal changes

Section 30: adds definition

Section 31: repeals language no longer applicable

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REPRESENTATIVE KYLE JOHANSEN
DISTRICT ONE

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Member
Economic Development,
Trade and Tourism
State Affairs

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HB 126

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This bill will bring Alaska into compliance of the regulations set forth by the Federal Motor Carrier Safety Administration. Further noncompliance subjects Alaska to the withholding of up to five percent of federal-aid highway funds in the first year and up to ten percent of federal-aid highway funds in the second and subsequent years. The reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$10.4 million in federal fiscal year (FFY) 2008 and \$17.4 million in FFY 2009. If similar amounts to FFY 2009 are assumed, a total of \$80 million over a 5 year period would be lost if Alaska remains noncompliant. These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP).

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Trade and Tourism
State Affairs

REPRESENTATIVE KYLE JOHANSEN
DISTRICT ONE

February 14, 2007

Representative Lynn
Committee Chairman
State Affairs
State Capitol, Room 104

Re: HB 126, Commercial Driver's Licenses and other motor vehicle laws

Representative Lynn:

I respectfully request that you schedule HB 126 for a hearing in House State Affairs at your earliest convenience. HB 126 updates and adds motor vehicle statutes to meet current and upcoming federal regulations for commercial driver's licenses. Noncompliance with these regulations subjects Alaska to withholding of federal aid highway funds.

If you have any questions please contact my staff, Randy Ruaro. Thank you.

Respectfully,

Kyle Johansen

A handwritten signature of Kyle Johansen, consisting of a stylized 'K' and 'J'.