

HB

271

<TARGET><BILL>HB 271</BILL><SUBJECT>HB
271</SUBJECT><COMM>STRA27</COMM></TARGET>



SENATE TRANSPORTATION
COMMITTEE

ajc

State Capitol, Room 11
Juneau AK, 99801-1182
907-465-6828

TO: Senate Transportation Committee

FROM: Senator Albert Kookesh, Chair *akookesh*
Senate Transportation Committee

DATE: March 15, 2012

RE: Senate Transportation Schedule for the week
March 19 -23, 2012

Tuesday, March 20, 2012: 1pm to 3pm, Butrovich Room 205

CSHB 246: Naming Certain Bridges and Airports (by the House Finance Committee).

CSHB 271: An Act Relating to motor vehicle requirements. (By the House Transportation Committee).

Thursday, March 22, 2012: 1pm to 3pm, Butrovich Room 205

Bill previously heard or scheduled.

Please contact Nancy Barnes at 465-6828 if you have any questions.

SENATE COMMITTEE REPORT

DATE: 3/5/12

FURTHER: State Affairs

DATE TURNED
IN TO OFFICE: 3/20/12

Transportation Committee considered CS FOR HOUSE BILL NO. 271(TRA) am

HB 271-COMMERCIAL MOTOR VEHICLE REQUIREMENTS

"An Act relating to commercial motor vehicle requirements."

and recommends:

be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____

adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____

attached amendment(s)

adopt _____ Letter of Intent

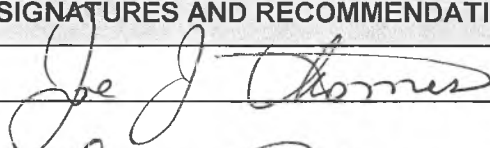
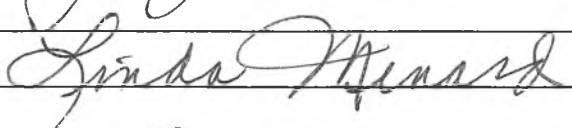
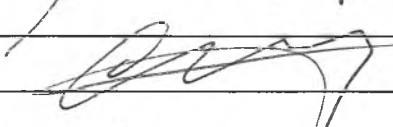
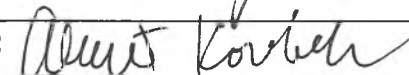
further referral to _____ Committee

Dept Abbr.	
ADM	LEG
CED	LAW
COR	LWF
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
ADM			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	THOMAS	✓			
	MENARD	✓			
	HUGGINS	✓			
CHAIR: 	KORBEL	✓			

CS FOR HOUSE BILL NO. 271(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES KELLER AND PRUITT, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to commercial motor vehicle requirements."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 19.10.060(c) is amended to read:

4 (c) Except for requirements relating to a commercial motor vehicle driver's
5 licensing program under AS 28, the department shall adopt regulations under
6 AS 44.62 (Administrative Procedure Act) that are necessary to implement
7 [REQUIREMENTS IMPOSED BY] federal statutes [STATUTE] or regulations
8 [REGULATION] that relate to commercial motor vehicles [AND THAT ARE
9 NECESSARY TO AVOID LOSS OR WITHHOLDING OF FEDERAL HIGHWAY
10 MONEY].

11 *** Sec. 2.** AS 19.10.300(f)(1) is amended to read:

12 (1) "commercial motor vehicle" means a motor vehicle or a
13 combination of a motor vehicle and one or more other vehicles

14 (A) used to transport passengers or property for intrastate
15 commercial purposes;

1 (B) used upon a land highway or vehicular way; and

2 (C) that

3 (i) has a gross vehicle weight rating or gross
4 combination weight rating greater than 26,000 pounds; or

5 (ii) is designed to transport more than 15 passengers,
6 including the driver; [OR

7 (iii) IS USED IN THE TRANSPORTATION OF
8 MATERIALS FOUND BY THE UNITED STATES SECRETARY OF
9 TRANSPORTATION TO BE HAZARDOUS FOR PURPOSES OF 49
10 U.S.C. 5101 - 5128;]

11 (D) except that the following vehicles meeting the criteria in
12 (A) - (C) of this paragraph are not commercial motor vehicles:

13 (i) emergency or fire equipment that is necessary to the
14 preservation of life or property;

15 (ii) farm vehicles that are controlled and operated by a
16 farmer; used to transport agricultural products, farm machinery, or farm
17 supplies to or from that farmer's farm; not used in the operations of a
18 common or contract motor carrier; and used within 150 miles of the
19 farmer's farm; and

20 (iii) [RECREATIONAL] vehicles used exclusively for
21 purposes other than commercial purposes;

22 * **Sec. 3.** AS 19.10.399(1) is amended to read:

23 (1) "commercial motor vehicle" means a self-propelled or towed
24 vehicle

25 (A) used to transport passengers or property for intrastate
26 commercial purposes;

27 (B) used upon a highway or vehicular way; and

28 (C) that

29 (i) has a gross vehicle weight rating or gross
30 combination weight rating greater than 14,000 [10,000] pounds; or

31 (ii) is designed to transport more than 15 passengers,

1 including the driver; [OR

2 (iii) IS USED IN THE TRANSPORTATION OF
3 MATERIALS FOUND BY THE UNITED STATES SECRETARY OF
4 TRANSPORTATION TO BE HAZARDOUS FOR PURPOSES OF 49
5 U.S.C. 5101 - 5128;]

6 (D) except that the following vehicles meeting the criteria in
7 (A) - (C) of this paragraph are not commercial motor vehicles:

8 (i) emergency or fire equipment that is necessary to the
9 preservation of life or property;

10 (ii) farm vehicles that are controlled and operated by a
11 farmer; used to transport agricultural products, farm machinery, or farm
12 supplies to or from that farmer's farm; not used in the operations of a
13 common or contract motor carrier; and used within 150 miles of the
14 farmer's farm;

15 (iii) school buses;

16 (iv) vehicles owned and operated by the federal
17 government unless the vehicle is used to transport property of the
18 general public for compensation in competition with other persons who
19 own or operate a commercial motor vehicle subject to AS 19.10.310 -
20 19.10.399, and except to the extent that regulation of vehicles operated
21 by the federal government is permitted by federal law; and

22 (v) vehicles used exclusively for purposes other than
23 commercial purposes;

AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSHB 271(TRA)

BY REPRESENTATIVE FEIGE

- 1 Page 1, line 14:
- 2 Delete "intrastate"
- 3
- 4 Page 2, line 25:
- 5 Delete "intrastate"
- 6
- 7 Page 2, line 30:
- 8 Delete "14,000 [10,000]"
- 9 Insert "10,000 pounds for vehicles used in interstate commerce and 14,000 pounds
- 10 for vehicles used in intrastate commerce"

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSHB 271(TRA)
 Fiscal Note Number 1
 (H) Publish Date 2/22/12

Identifier (file name) HB271-DOA-DMV-2-17-12 Dept. Affected Administration
 Title Commercial motor vehicle requirements Appropriation Motor Vehicles
 Allocation Motor Vehicles
 Sponsor Representatives Keller, Pruitt
 Requester House Transportation OMB Component Number 2348

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS								
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES								

Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable; initial version

Prepared by Whitney Brewster, Director
 Division Motor Vehicles
 Approved by John Cramer, Deputy Commissioner
Department of Administration

Phone 907-269-5559
 Date/Time 2/17/12 11:30 AM
 Date 2/17/2012

FISCAL NOTE #1

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSHB 271(TRA)

Analysis

There is no specified effective date in this bill.

This legislation changes the definition of a commercial motor vehicle for enforcement purposes. It also inadvertently gives Department of Transportation (DOT) the ability to promulgate regulations when it comes to the Commercial Driver's Licensing (CDL) program, which is a function of the Division of Motor Vehicles (DMV) under AS 28.

As long as DOT does not promulgate regulations for the CDL program that are in conflict with DMV's ability to administer the CDL program in accordance with statutes and regulations, DMV does not anticipate this bill will have a fiscal impact on the DMV.

As vehicles have gotten larger and heavier, many vehicles now fall into the current definition of an intrastate commercial motor vehicle that have historically not been considered commercial vehicles such as pickup trucks, small step vans, small trailers, etc. One of the Alaska Trucking Associations legislative priorities is to change the definition of an intrastate commercial vehicle to reduce the regulatory burden on small businesses.

For purposes of commercial vehicle regulation and inspection, HB271 raises the weight threshold on intra state commercial vehicles from 10,000 pounds, Gross Vehicle Weight Rating (GVWR) to 14,000 pounds GVWR for inspection and safety regulation purposes. This is aimed at the small contractors, i.e. lawn care, carpenters, plumbing & heating, small delivery vehicles and pilot cars.

1. Pick-up trucks and small step vans are getting larger and heavier and are bumping up over the current 10,000 pounds GVWR becoming, by definition, a commercial vehicle for inspection and safety regulation purposes.
2. Pilot cars are those vehicles that accompany oversize loads to serve as an extension of the warning system for the oversize load and their work is almost always "intra state" and would fall under this legislation.
3. This bump causes the driver to obtain a medical certification, complete daily vehicle inspection reports, perform or have performed annual inspections, the vehicle must submit several other items to the state DOT to be in compliance.
4. When over the 10,000 pound GVWR threshold, these vehicles are subject to Federal regulations that have been adopted into the Alaska Administrative Code.
5. When passed, this bill will exclude these commercial vehicles that are no more than 14,000 pound GVWR from the unnecessary regulation.
6. This change does not change the commercial status of these intrastate vehicles for purposes of registration with the Division of Motor Vehicles and therefore there is no fiscal impact on the state.
7. These vehicles do not need that level of scrutiny as typically they are operating in a limited geographical area and are not subject to the wear and tear that other larger commercial vehicles experience.

Jim Pound

From: Roger.Boylan@norcon.com
Sent: Friday, February 17, 2012 4:25 PM
To: Jim Pound
Subject: HB 271

Mr., Jim Pound

The Bill HB 271 is an excellent choice for Alaska as we use one ton trucks that are over the 10,000 lb. GVWR to pilot equipment to and from job sites. They are less wear and tear on the highway system than a normal pickup truck due to the dual rear wheels putting less PSI on the road way than single rear wheels.

Roger Boylan
Norcon Equipment Manager
6550 A Street
Office: 907-275-6361
Fax: 907-275-6303
Cell: 907-440-2002
Email: roger.boylan@norcon.com

Federal Motor Carrier Safety Administration

Commercial Vehicle Information Systems and Networks (CVISN)

Commercial Motor Vehicle (CMV)

Any self-propelled or towed vehicle used on highways in intrastate or interstate commerce to transport passengers or property:

- if it has a gross vehicle weight rating of 26,001 or more pounds; or
- if it is designed to transport more than 16 passengers, including the driver; or
- if it is used to transport hazardous materials (as defined in 49 U.S.C. App. 1801 et seq.) in quantity requiring placarding under federal regulation [2]

Commercial Motor Vehicle Safety Act (CMVSA)

Requires all states to meet the same minimum standards for testing and licensing drivers of commercial motor vehicles. The act also mandates uniform penalties and a central reporting system.

Monday, Feb 20, 2012 Via e-mail

Jim,

Just letting you know that I wholeheartedly support this bill, as does my husband. I work for Lynden, so I have a bit of knowledge about this. However, my husband is a plumber, and has had experience with the cumbersome & unnecessary additional regulation on vehicles he had as a previous owner, and now as an employee of another small plumbing business.

Thank you for this effort!

Jeanine & Al St. John

Anchorage

NFIB

The Voice of Small Business®

ALASKA

February 17, 2012

The Honorable Wes Keller
State Capitol Building
Juneau, Alaska 99801-1182

RE: House Bill 271

Dear Representative Keller:

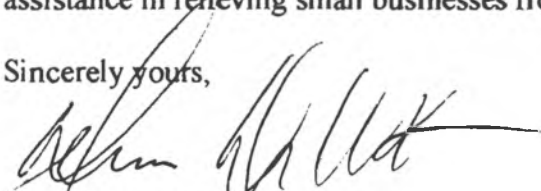
On behalf of the National Federation of Independent Business/Alaska, I wish to respectfully share our support for House Bill 271. The National Federation of Independent Business is the largest small-business advocacy group in Alaska.

HB 271 raises the weight threshold on intra state commercial vehicles from 10,000 lbs to 14,000 pounds for inspection and safety regulation purposes. This will assist small contractors, i.e. lawn care, carpenters, plumbing & heating, small delivery vehicles and pilot cars. As you are aware, pick-up trucks and small step vans are getting larger and heavier and therefore bumping up over the current 10,000 pound limit and becoming by definition a commercial vehicle for inspection and regulation purposes.

Crossing the 10,000 pound threshold causes the driver to obtain a medical certification, complete daily vehicle inspection reports, perform or have performed annual inspections, and submit several other items on the vehicle to the state DOT to be in compliance. Currently, when over the 10,000 pound threshold, these vehicles are subject to Federal regulations that have been adopted into the Alaska Administrative Code. We feel that these vehicles do not need that level of scrutiny as typically they are operating in a limited geographical area and are not subject to the wear and tear that other larger commercial vehicles experience.

Increased regulation makes it more difficult for small businesses to survive. We appreciate your assistance in relieving small businesses from this potential of unnecessary regulation.

Sincerely yours,



Dennis L. DeWitt
Alaska State Director

Cc: Rep. Peggy Wilson
Aves Thompson



Not Your Average Builder. Not Your Average Home

Representative Wes Keller
State Capitol Room 432
Juneau AK, 99801

3/15/2012

Phone: 907-465-2186
Fax: 907-465-3818

Representative Keller,

I wish to express my support for house bill 271.

As a small business owner I have been caught up in the enforcement of the 10,000 pound combined load limit while hauling job materials to a job site. While I had all of the safety equipment required by DOT I did receive a citation. Just having the equipment does not meet the letter of the law as I found out the hard way. I find these requirements to be bit over reaching. My pick-up truck is under the 10,000 pound limit until I load it up or haul my tool trailer to the job site.

I believe the 14,000 pound limit is a fair adjustment given the quality of modern vehicles. Raising the limit will help reduce a paperwork burden for small business owners like myself.

Thank you for having the foresight to address this issue.

Sincerely,

Alan Wilson, President
907-209-6321

907-780-3627 Fax 907-780-4327
7290 Glacier Hwy. Juneau, Alaska 99801

NFIB

The Voice of Small Business®

ALASKA

February 17, 2012

The Honorable Wes Keller
State Capitol Building
Juneau, Alaska 99801-1182

RE: House Bill 271

Dear Representative Keller:

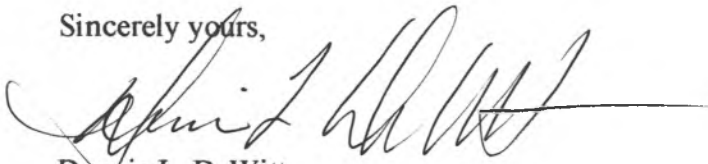
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Dennis L. DeWitt
Alaska State Director

Cc: Rep. Peggy Wilson, Chair, House Transportation Committee
✓ Senator Albert Kookesh, Chair, Senate Transportation Committee
Aves Thompson

Classes

Light Duty



Class 1

The **Class 1** truck (GVWR) ranges from **0 to 6,000 pounds**. Examples of trucks in this class include the Ford Ranger, Dodge Dakota and GMC Canyon.



Class 2

The **Class 2** truck (GVWR) ranges from **6,001 to 10,000 pounds**. Examples of vehicles in this class include the Dodge Ram 1500 and the Ford F-150.

Class 2 is subdivided into Class 2a and Class 2b, with class 2a being **6,001 to 8,500 pounds**,

Class 2b being **8,501 to 10,000 pounds**.

Class 2a is commonly referred to as a light duty truck, with class 2b being the lowest heavy-duty class, also called the light heavy-duty class.



Class 3

The **Class 3** (GVWR) ranges from **10,001 to 14,000 pounds**. Examples of vehicles in this class include the Dodge Ram 3500, Ford F-350 and the GMC Sierra 3500, both dual rear wheel and single rear wheel.

The Hummer H1 is another example of a single rear wheel Class 3 truck, with a GVWR of 10,300 lbs.

Medium Duty



Class 4

The **Class 4** truck (GVWR) ranges from **14,001 to 16,000 pounds**. Examples of vehicles in this class include select Ford F-450 trucks, Dodge Ram 4500, and the GMC 4500.



Class 5

The **Class 5** truck (GVWR) ranges from **16,001 to 19,500 pounds**. Examples of trucks in this class include the International MXT, GMC 5500,^[9] Dodge Ram 5500, and the Ford F-550



Class 6

The **Class 6** truck (GVWR) ranges from **19,501 to 26,000 pounds**. Examples of trucks in this class include the International Durastar, GMC Topkick C6500, and the Ford F-650

Heavy Duty

Class 7

Vehicles in **Class 7** and above require a Class B license to operate in the United States. These include GMC C7500. Their GVWR ranges from **26,001 to 33,000**.



Class 8

The **Class 8** truck (GVWR) is anything above **33,000 pounds**. These include all tractor trailer trucks.

ALASKA STATE LEGISLATURE

Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 373-1842
Fax: (907) 373-4729



Session:
State Capitol Building
Juneau, Alaska 99801-1182
Phone: (907) 465-2186
Fax: (907) 465-3818

REPRESENTATIVE WES KELLER DISTRICT 14

MEMO

To: Senator Albert Kookesh, Chair
Senate Transportation Committee

Fm: Representative Wes Keller

A handwritten signature in black ink that reads "Wes Keller".

Date: March 02, 2012

Re: Request for hearing on CSHB 271(TRA) am (27-LS1158)

Please consider this as a request, pending referral, for you to schedule CSHB 271(TRA) am "Commercial Motor Vehicle Requirements" for consideration by the Senate Transportation Committee. Included with the formal request please find a packet of information and documents in a .pdf format.

CSHB 271 will make life easier for the many Alaskans who drive the new larger pickup trucks and small step vans by saving them the costs of registering them as commercial vehicles. It will also open the door to young people considering driving for a living by allowing them the opportunity to drive pilot vehicles without a Commercial Driver's License.

If you have any questions please feel free to contact my office.

The information contained in this memo is CONFIDENTIAL and/or privileged. This memo is intended to be reviewed initially by only the individual named above. If the reader of this page is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of this memo or the information contained herein is prohibited. If you have received this memo in error, please immediately notify the sender by telephone and return this memo to the sender at the above address.

Thank you

Jim Pound

From: Dave.Kezer@norcon.com
Sent: Monday, February 20, 2012 10:34 AM
To: Jim Pound

Jim,
As Vice President of a large Alaskan construction company I fully support this bill. The excessive regulation in our industry has caused cost to increase while productivity decreases all with very little value to the public at large. Arbitrary and excessive regulation by government is killing the economy of the this state and the country as a whole, and any attempt to curb government intrusion should be embraced.

Following are a few key points to consider.

Thanks

David M Kezer
Sr. Operations and Maintenance Manager
Vice President
NORCON Inc.
3725 Braddock, Fairbanks AK 99701
907-451-6739- Office
907-456-5425- FAX
907-590-0313- Cell

- Pick-up trucks and small step vans are getting larger and heavier and are bumping up over the current 10,000 pounds GVWR becoming, by definition, a commercial vehicle for inspection and safety regulation purposes.
- Pilot cars are those vehicles that accompany oversize loads to serve as an extension of the warning system for the oversize load and their work is almost always "intra state" and would fall under this legislation.
- This bump causes the driver to obtain a medical certification, complete daily vehicle inspection reports, perform or have performed annual inspections, the vehicle must submit several other items to the state DOT to be in compliance.
- When over the 10,000 pound GVWR threshold, these vehicles are subject to Federal regulations that have been adopted into the Alaska Administrative Code.
- When passed, this bill will exclude these commercial vehicles that are no more than 14,000 pound GVWR from the unnecessary regulation.
- This change does not change the commercial status of these intra state vehicles for purposes of registration with the Division of Motor Vehicles and therefore there is no fiscal impact on the state.

These vehicles do not need that level of scrutiny as typically they are operating in a limited geographical area and are not subject to the wear and tear that other larger commercial vehicles experience.

Alaska Trucking Association, Inc.

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

www.aktrucks.org

The authoritative voice of the trucking industry in Alaska

HB 271 COMMERCIAL MOTOR VEHICLE REQUIREMENTS

Senate Transportation Committee

1:00 pm, March 20, 2012

Aves D. Thompson, Executive Director

Alaska Trucking Association

Thank you. Mr. Chairman and members of the committee, I am Aves Thompson, Executive Director of the Alaska Trucking Association. The Alaska Trucking Association is a state wide organization representing the interests of our nearly 200 member companies from Barrow to Ketchikan. Freight movement represents a large chunk of our economy and impacts all of us each and every day. The simple truth is that “if you got it, a truck brought it.”

I am here today to testify in support of HB271.

One of the Alaska Trucking Associations’ legislative priorities is to change the definition of an intra-state commercial vehicle to reduce the regulatory burden on small businesses. As vehicles have gotten larger and heavier, many vehicles now fall into the current definition of an intra-state commercial motor vehicle that have historically not been



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- This bump causes the driver to obtain a medical certification, complete daily vehicle inspection reports, perform or have performed annual inspections, and the vehicle owner must submit several other items to the state DOT to be in compliance.



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These vehicles do not need that level of scrutiny as typically they are operating in a limited geographical area and are not subject to the wear and tear that other larger commercial vehicles experience.

On behalf of the Alaska Trucking Association, I urge you to act favorably on this bill.

I will try to answer any questions. Thank you for your attention.



If you got it, a truck brought it...