

HB

15

<TARGET><BILL>HB 15</BILL><SUBJECT>HB
15</SUBJECT><COMM>STRA28</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 2/13/13

FURTHER:

DATE TURNED
IN TO OFFICE: 3/1/13

Transportation Committee considered HOUSE BILL NO. 15

HB 15 COMMERCIAL MOTOR VEHICLE REQUIREMENTS

"An Act relating to commercial motor vehicle requirements."

and recommends:

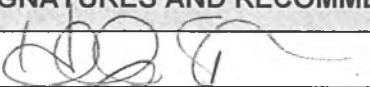
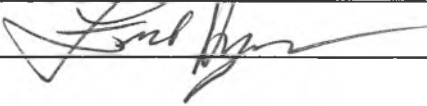
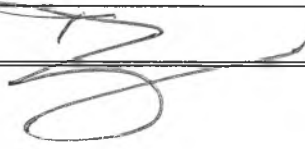
- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
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
DOT			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	French			✓	
	Dyson				✓
CHAIR: 	E GALV X				

28-LS0590\A
Martin
2/25/13

SENATE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Introduced:
Referred:

A RESOLUTION

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**
2 **Legislature, concerning House Bill No. 15, relating to commercial motor vehicle**
3 **requirements.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of
6 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding
7 changes to the title of a bill, are suspended in consideration of House Bill No. 15, relating to
8 commercial motor vehicle requirements.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

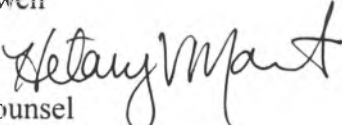
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 25, 2013

SUBJECT: Commercial Motor Vehicles -- SCS HB 15(TRA)
(Work Order No. 28-LS0058\N)

TO: Senator Dennis Egan
Attn: Dana Owen

FROM: Hilary Martin 
Legislative Counsel

Enclosed is the Senate CS you requested to HB 15, which makes changes to the vehicle registration statutes. The addition of the amendment changes the contents of the bill, and so I believe the title no longer meets the constitutional descriptive title requirements.

Article II, sec. 13, Constitution of the State of Alaska, states: "The subject of each bill shall be expressed in the title." The purpose of this requirement is "to prevent surreptitious introduction of legislation not indicated by the title."¹

The new language does not seem to directly relate to commercial motor vehicle requirements. The new language makes changes to the vehicle registration fees statutes. With the new language added by the amendment, I would recommend changing the title to describe the contents of the amendment. As this bill is in the second house, this would require a title change resolution.

If I may be of further assistance, please advise.

HVM:ljw
13-117.ljw

Enclosure

¹ *State v. First Nat'l Bank of Anchorage*, 660 P.2d 406, 415 n.19 (Alaska 1982).

SENATE CS FOR HOUSE BILL NO. 15(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES KELLER AND ISAACSON, Pruitt, Gruenberg, Peggy Wilson, Tammie Wilson, Olson, LeDoux, Josephson, Johnson, Gattis

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 commercial
15 purposes;

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

(C) that

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

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

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

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

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

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

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

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

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

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

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

(C) that

(i) has a gross vehicle weight rating or gross combination weight rating greater than 10,000 pounds for vehicles used in interstate commerce and 14,000 pounds for vehicles used in

intrastate commerce; or

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

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

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

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

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

(iii) school buses;

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

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

* **Sec. 4.** AS 28.10.421(b) is amended to read:

(b) The biennial registration fees under this subsection are imposed within the following classifications for:

- (1) a passenger vehicle, low-speed vehicle, **motor bus**, or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use \$100;

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- (2) a pick-up truck or a van not exceeding 14,000 [10,000] pounds unladen weight and not registered in the name of a company or business \$100;
- (3) a taxicab \$160;
- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists .. \$300;
- (5) a motorcycle or a motor-driven cycle \$60;
- (6) a trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer, house trailer, travel trailer, or a trailer rented or offered for rent \$30.

28-LS0058C
Martin
2/25/13

SENATE CS FOR HOUSE BILL NO. 15(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

**Offered:
Referred:**

**Sponsor(s): REPRESENTATIVES KELLER AND ISAACSON, Pruitt, Gruenberg, Peggy Wilson,
Tammie Wilson, Olson, LeDoux, Josephson, Johnson, Gattis**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to commercial motor vehicle requirements; and relating to motor**
2 **vehicle registration fees."**

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

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

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

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

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

(A) used to transport passengers or property for commercial

purposes;

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

(C) that

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

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

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

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

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

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

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

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

(C) that

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1 combination weight rating greater than 10,000 pounds for vehicles
2 used in interstate commerce and 14,000 pounds for vehicles used in
3 intrastate commerce; or

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

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

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11 (A) - (C) of this paragraph are not commercial motor vehicles:

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15 farmer; used to transport agricultural products, farm machinery, or farm
16 supplies to or from that farmer's farm; not used in the operations of a
17 common or contract motor carrier; and used within 150 miles of the
18 farmer's farm;

19 (iii) school buses;

20 (iv) vehicles owned and operated by the federal
21 government unless the vehicle is used to transport property of the
22 general public for compensation in competition with other persons who
23 own or operate a commercial motor vehicle subject to AS 19.10.310 -
24 19.10.399, and except to the extent that regulation of vehicles operated
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28 * **Sec. 4.** AS 28.10.421(b) is amended to read:

29 (b) The biennial registration fees under this subsection are imposed within the
30 following classifications for:

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not used or maintained for the transportation of persons or property for hire or for other commercial use\$100;

(2) a pick-up truck or a van not exceeding 14,000 [10,000] pounds unladen weight and not registered in the name of a company or business \$100;

(3) a taxicab\$160;

(4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists ..\$300;

(5) a motorcycle or a motor-driven cycle\$60;

(6) a trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer, house trailer, travel trailer, or a trailer rented or offered for rent \$30.

AMENDMENT

#1

OFFERED IN THE HOUSE

BY REPRESENTATIVE

TO: HB 15

- 1 Page 2, line 5:
- 2 Delete "designed"
- 3 Insert "**being used** [DESIGNED]"