

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3789

HTRA

HB 364

665

The purpose of Article 6 was to put the inspection of vehicles in the public sector. The State, Department of Commerce, would have the responsibility of oversight and would certify the inspection stations and audit them to make sure all was going according to plan.

Section 42.30.300 requires all motor vehicles to be inspected once a year, with an annually renewable certificate of inspection. The certificate would be carried in the vehicle, and stickers placed on the outside. The commissioner could adopt regulations to implement the program.

Section 42.30.310 EXEMPTIONS. exempts U.S. government vehicles.

Section 42.30.320. OFFICIAL INSPECTION STATIONS.

The idea behind this is to get the inspection to the private sector through a series state certified inspection stations.

Describes the process for permitting inspection stations, how they apply for it, must have someone on staff qualified to do the inspections, the permit can only be used at the location for which it's assigned; the department can suspend or revoke a permit if necessary; sets up a vehicle by which the permit holder whose permit has been suspended or revoked can appeal.

Section 40.30.330. CERTIFICATION OF VEHICLE INSPECTORS. Describes the process for certifying a vehicle inspectors

Section 40.30.340 Establishes a hearing board within the Department of Commerce to mitigate disputed revocations and suspensions

Section 40.30.350 Describes how certificates of inspection will be issued, and that a station operator will keep records, auditable by the department.

Section 40.30.360 prohibits falsely representing to be an official inspection station

Section 40.30.370 prohibits the manufacture, issuance or use of counterfeit certificate of inspection.

Section 40.30.380 makes it a class B misdemeanor to violate the section.

Section 40.30.390 Defines "air commerce", "aircraft", "department", "freight" and "motor vehicle."

Motor carriers expressed in our meeting Tuesday that they would like to see (B) under motor vehicle definition deleted since the inspection exists for motor vehicles and is not necessary for trailers.

Section 4.

Adds implementation of the financial responsibility requirement to the duties of the commissioner of Commerce

Section 5.

Adds an effective date.

The motor carriers have requested the committee to consider deleting "for hire" from the language of the bill as it is their recommendation that all motor carriers engaged in commerce have the same insurance requirement rather than having "for-hire" vehicles being the only ones with this requirement. There is a fine line between private and for-hire carriers. Their recommended language for page 1, line 12 would read "person who operates as a motor carrier on the public highways" which would cover drivers of vehicles weighing over 10,000 pounds, i.e. all commercial carriers whether or not they are for hire.

Legal services is reviewing this suggestion at the present time.

that the Finance Committee consider reinstating an across-the-board contribution from all Alaskans to maintain the fund.

(Assistant Attorney General, Jim Baldwin, arrived at the meeting at this time, and Co-chairman Faiks directed that he prepare a written opinion concerning the use of Rainy Day Account moneys under the above-legislation.)

SB 103 TESTIMONY SEN. FIN.

Co-chairman Faiks announced that SB 103 (ACT PROVIDING AUTHORITY FOR THE DEPARTMENT OF PUBLIC SAFETY TO REGULATE SAFETY OF MOTOR CARRIER AND AIR CARRIER OPERATIONS) was before committee for discussion. She explained that the bill results from the initiative abolishing the Alaska Transportation Commission. It establishes an insurance section for both air and truck carriers, and sets up a safety program for all trucks weighing more than 10,000 pounds.

Senator Jack Coghill came before committee to speak to the proposed CSSB 103 (Transportation) (ACT RELATING TO TRANSPORTATION SAFETY AND FINANCIAL RESPONSIBILITY). He explained that the committee substitute represents a condensation of the Governor's original bill which was basically a lift-off of existing ATC regulations through the Dept. of Public Safety. The Senate Transportation Committee reviewed the initiative and incorporated financial responsibility and truck inspection sections within its committee substitute. Under the new version, inspections would be accomplished through licensed private-sector inspectors rather than state staff.

Senator Coghill noted that the committee substitute closely follows the dictates of the initiative. Incorporation of the interests of both air and motor carriers has produced a strong bill which will prohibit government personnel from placing stringent ATC provisions upon carriers.

The Senator directed attention to the \$171.0 fiscal note accompanying the bill which effectively transfers ATC moneys to the Dept. of Commerce.

Senator Kerttula voiced concerns regarding private-sector inspections, and asked whether individual inspectors would be bonded. Does he incur serious liabilities if he ignores inspection responsibilities? Can the state easily and quickly move against an inspector who is not performing? Senator Coghill explained that bonding requirements were incorporated in earlier drafts of the committee substitute, but not the current version. He noted, however, that the Dept. of Commerce would be monitoring inspectors. He stated that he had no objection to reinsertion of bonding requirements. He also noted that language in the bill allows the state to revoke the inspector's certificate should he not perform well.

Senator Coghill directed attention to the letter accompanying the bill and advised that the Finance Committee would be following application of the bill in the coming year and report back to the Legislature at the beginning of the second session.

Referring to inspection provision of the bill, Senator [unclear] advised of his understanding that all trucks over 10,000 pounds would have to have two inspections per year. Senator [unclear] directed attention to language relating to "commercial purposes" and noted that it is defined as "something for which a person receives direct monetary compensation." A farm vehicle is within the weight provision would not necessarily be inspected since it does not fall within the description of "commercial purposes." Vehicles used for delivery purposes derive indirect rather than "direct monetary compensation."

Provisions of the bill would apply to all state highway

Senator Halford asked if the bill would apply to municipal vehicles, and Senator Coghill responded, "Yes, sir." Municipal vehicles should comply with the same safety requirements as the private sector.

Co-chairman Faiks noted that "commercial purposes" appears to relate to insurance provisions of the bill and safety provisions relate to all trucks over 10,000 pounds which operate on highways.

To inquiries from Senator Halford concerning the time frame within which to comply with safety and insurance provisions of the bill, Senator Coghill answered that inspections could commence once inspectors are certified.

JOE SWANSON, Director of Measures and Standards, Dept. of Commerce, next came before committee. He explained that the bill requires that prior to receipt of registration, an individual must prove that his truck has been inspected. January 1, 1960, is the target date for inspection and subsequent registration. The contemplated legislation will commence enforcement on that date. The department intends to immediately begin establishing inspection stations and certifying inspectors. Current law requires that vehicles be inspected twice a year and the certificate of compliance must be posted on the side of the vehicle. Mr. Swanson explained that under the proposed bill all state and municipal governments fall within the safety inspection sections. All personnel in most communities are likely to be certified to perform inspections, and major carriers in the state (as well as municipalities) are likely to request that their personnel be certified to inspect company vehicles. The language of the bill permits such certification. The availability of local mechanics will also be certified to provide inspection availability to independent operators.

Responding to a question from Senator Halford concerning qualifications for inspectors, Mr. Swanson explained that the bill authorizes the department to establish criteria by which individuals are measured for certification. Classification specifications for heavy duty mechanics working within DOT would most likely apply. Inspections will consist of much the same type of activity required by federal demonstration weigh station programs. No equipment other than a clipboard, pencil, and check sheet would be required. The department anticipates having 2,000 to 3,000 individuals certified throughout the state.

The department plans to take seven weigh station positions, fund them full time rather than seasonally for five months, and use them to monitor the program. The bill contains provisions allowing department monitors to inspect the work of inspectors to ensure that they are performing as they should.

Inspection stations will be numerically serialized. A truck inspected at a particular station would bear a sticker identifying that station. Should the truck be stopped by a state monitor, and it is determined that the inspection was poorly done and the truck is in poor repair, the state is authorized to pull the inspector's license.

Monitors would be located in Anchorage and Fairbanks and travel throughout the state conducting random checks on inspected vehicles.

Mr. Swanson advised of anticipated problems in the program. The state will attempt to make it function for the coming year and report back to the Transportation Committee at the beginning of the session with recommended changes. He noted specifically the potential for fraudulent inspections. The department anticipates some complaints as a result of the program and has requested \$30,000 in travel to respond to controversy. The division originally proposed a state inspection program using state inspectors.

Senator Kerttula voiced need for enactment of boilerplate language drawn from other states with workable programs rather than the contemplated one-year-trial program proposed by the instant legislation.

Senator Halford asked what portions of the fiscal note relate to the insurance provisions of the bill, and Mr. Swanson responded that the department is requesting six clerical and one supervisory position. The clerical positions will be integrated into the already existing administrative staff and the supervisor will oversee the operation. The division is also requesting two administrative assistants (range 12), one for safety and one for insurance. If the safety and insurance functions are split, the insurance section of the bill would require one administrative assistant and two clerical people. (The request for the proposed

legislation consists of conversion of seven seasonal positions to full time in addition to the seven new positions.) Responding to a question from Senator Halford concerning application of legislative provisions to all trucks over the set weight, Mr. Swanson explained that under the ATC, criteria included vehicles "for hire." If one received direct compensation for movement of a product, the vehicle fell under ATC insurance provisions. If movement of the product was incidental, the insurance portion did not apply. On the safety side, all vehicles over a certain weight fell within safety provisions except for federal, state, municipal, farm vehicles, etc. There was a substantial list of exemptions. The Transportation Committee felt that in terms of safety provisions, all vehicles using the roads should comply.

Mr. Swanson explained that in terms of insurance coverage, the legislature must decide whether it wants to expand requirements beyond those of the ATC. If the legislature retains the designation of vehicles "for hire," ATC requirements and the attendant problems remain. Alternate verbage may expand insurance requirements beyond those of ATC. Responding to a further question from Senator Halford concerning safety regulations, Mr. Swanson explained that the ATC promulgated the regulations for safety standards of vehicles (the brown book). The regulations required inspection certificates for commercial vehicles. They also required that all vehicles to be used on state highways meet safety standards. If a vehicle was stopped and found to be in poor repair, the owner could be cited under ATC regulations. Safety regulations are currently "on the books" which allow the Dept. of Public Safety to stop an unsafe vehicle. They do not differentiate between a commercial and non-commercial carrier. They simply to trucks over a set weight class. Public Safety also have enforcement authority, but only 1-1/2 people dedicated to the program. Department field personnel did audit the records of commercial carriers. Mr. Swanson advised that twice a year the department would set up a road block at a designated weight station and conduct ICC compliance inspections for all vehicles over 10,000 pounds. The department inspect non-commercial carriers for safety purposes only; there is no insurance requirement.

Co-chairman Faiks added that the department had earlier testified before the Transportation Committee that it conducted 1,400 inspections last year. There are approximately 13,000 trucks (over 10,000 pounds) operating in Alaska. While both commercial and non-commercial vehicles were inspected, the emphasis was upon commercial.

Senator Kerttula asked if the proposed Transportation committee substitute incorporates recommendations made by Ben Harding, Special Staff Assistant, in correspondence to Governor Sheffield's chief of staff, John Shively. Mr. Swanson responded that it addresses most of the comments with the exception of those on the last page.

Co-chairman Faiks advised that the bill would not move from committee at this time since it involves a controversial issue which needs careful consideration.

Discussion followed concerning problems concerning gravel hauls between the Matanuska-Susitna valley and Anchorage. Mr. Swanson advised that indications are that the amount of traffic in the area will increase yearly.

Senator Eliason posed questions concerning the cost of truck inspections for privately owned vehicles. Mr. Swanson answered that costs would probably be based on shop rates which range from \$35 to \$60 per hour. Inspections at state weigh stations average 30 minutes. Costs will most likely run from a minimum of \$30 to \$50. If a problem is found, the vehicle must be repaired and returned for subsequent inspection prior to certification. The department is using \$50 as the average. Two a year would cost most private truckers \$100. Mr. Swanson noted that large trucking firms will probably have in-house personnel to perform the inspections. The burden will be on the small independent in the private sector.

Discussion continued concerning the potential for large trucking companies employing the only inspectors for an area to take advantage of small, independent truckers. Mr. Swanson explained that in most communities there would be more than one inspection point since there is no cost or bonding involved in becoming certified. As an argument against bonding, Mr. Swanson advised that the cost of the bond would in turn increase the cost of inspections.

Senator Eliason noted that there should be a relationship between inspection requirements and the amount of use the vehicle receives. How would the department balance the need for inspections twice a year between one who uses his vehicle only once in a while and a firm or independent whose trucks are constantly on the road. Mr. Swanson responded that there is no balance. The requirement must be established and equally implied. He noted some flexibility in language requiring inspection "twice a year," rather than semi-annually (construed by the courts to mean every six months). Most haulers would probably undergo inspection before and after the hauling season.

Senator Eliason noted that in the above line of questioning he was not as concerned for those in the hauling business as much as for those who are not--those for whom the hauling exercise is incident such as a furniture store owner delivering purchases. He asked if the inspection could be related to mileage as a measure of the use of the vehicle. Mr. Swanson stated that an inspection based on mileage would probably be impossible to enforce.

Discussion followed concerning inspection requirements. Senator Eliason suggested that perhaps inspections relative to use could be based upon whether or not an individual has a business license for use of the vehicle. Mr. Swanson responded that problems in this area arise where the owner/operator has not business license. He owns the truck and leases it to someone else.

Senator Halford suggested applying inspection requirements to only those vehicles falling within the description of "commercial purposes" contained in the bill. This would relief incidental users of both inspection and insurance requirements. He voiced concern that the bill, intended to deal with the demise of the ATC, is being used to regulate an entire class of uses through twice yearly inspections. Application of the bill to commercial purpose vehicles only would reduce the fiscal note and produce simpler legislation. Those previously under ATC regulation are aware of safety and insurance requirements. There is no reason to apply the bill to all trucks over 10,000. That would extend rather than curtail government regulation.

Co-chairman Faiks distributed to members a proposed Senate Finance Committee Substitute for SB 103 accompanied by a draft fiscal note. She noted that the proposed substitute and fiscal note represent a bifurcated bill covering only insurance provisions and the funding therefor. She suggested setting up a subcommittee to review safety portions of the bill with the intent of reintroducing the safety sections as a finance committee bill at a later time. She directed members to consider her suggestion.

In closing remarks responding to Senator Halford's previous statements, Mr. Swanson stated that within the definition of "commercial purposes," an individual owning a truck in which he hauled gravel for use under the terms of a road construction project would consider the movement of the gravel as incidental to the job and outside insurance requirements. If the same definition is applied to safety requirements, the vehicle would not have to be inspected. If the contractor subcontracts the hauling to a gravel hauler who transports the product at a stated price per yard, the vehicle would fall within both the safety and insurance requirements of the bill. Safety requirements applied to all vehicles under the ATC while insurance requirements only applied to those for hire. Application of the definition to safety and insurance requirements would create instances where one truck might fall under the regulations while another might not. It complicates the situation. There is a need to cover all vehicles and then exempt appropriate areas from inspection.

Co-chairman Faiks poll members to determine how they wished to proceed at this time. Senator Halford advised of his preference for enactment of a bill limited to insurance at this time. He noted that he had no objection to a safety program provided it did not "reach out and do something new." Senator Eliason

concurrent, advising that he would like to "look at" the people to be affected by the legislation in terms of whether or not they were under the ATC.

Co-chairman Faiks appointed Senators Eliason, Halford, and Kerttula as the subcommittee to work on the safety program portion of the bill. No objection having been raised, it was so ordered.

Co-chairman Faiks request that representative from the industry come before committee at this time.

T. J. Thrasher, Managing Director of the Alaska Trucking Association next appeared before committee, voicing support for separation of the insurance and safety provisions of the bill. She explained that 85% of the Association's members are common carriers and for-hire carriers directly affected by the initiative. The remaining membership is composed of private carriers, operators, and allied industry persons. The majority or approximately 135 common carriers and additional common carriers fell under the initiative.

Referring to insurance provisions, Ms. Thrasher explained that requirements represent minimum levels for third party liability. This does not include the driver, his vehicle, or his cargo. It relates to property damage and bodily injury to third parties only. Minimums contained in the bill are substantially below established federal minimums but greater than ATC requirements. Ms. Thrasher advised that the minimums would not have drastic affects upon small carriers, since insurance carriers consider exposure which includes the frequency of use when evaluating the risk. It is the Association's position the the minimums included in the bill are not high enough but acceptable.

Ms. Thrasher advised that the definition of "commercial purposes" should be expanded to include all commercial carriers rather than only those which receive direct monetary compensation for their work. This opinion is based on the fact that it doesn't matter to the injured person whether or not the carrier was for hire. The damage has been done. In some instances even gravel haulers are exempt under the definition. This occurs when owner/operators enter lease agreements with persons owning gravel. Under the arrangement, they receive wages and compensation as an employee of the gravel owner. This allows 80% of the gravel haulers to qualify as private carriers. The problem of gravel haulers in Anchorage not being covered by insurance is thus not addressed under the current definition.

(Senator Ferguson arrived at the meeting at this time.)

Ms. Thrasher requested that the committee review the definition and stressed need for timely passage of that portion of the bill since if not effected by Thursday, emergency regulations within

the Dept. of Public Safety would become effective. Subsequent legislation placing insurance provisions within the Dept. of Commerce will lead to confusion for the carriers.

Senator Halford noted three classes of carriers: private, commercial, and contract carriers whose source of income is a lease arrangement or another form of packaged deal. He concurred with the effort to "tighten the net to deal with contract carriers," but voiced disagreement with the effort to deal with every vehicle over an established weight, especially since these vehicles were not covered by the initiative. He then asked what definition would "catch" a majority of the contract carriers without catching truly private carriers. Could "commercial purposes" be defined as "transportation for which direct monetary compensation is received." This would include any entity receiving direct compensation for the transportation.

Co-chairman Faiks advised of an attorney's opinion that the existing definition is satisfactory and can be strengthened by a letter of intent (for gravel haulers).

Co-chairman Faiks explained that her office had contracted five insurance underwriters dealing with truckers and been informed that the difference between ATC minimums and the minimums contained in the bill would raise the average insurance rate for small truckers 30-55%. She expressed concern that the legislation might double or triple ATC requirements and place a financial burden on small truckers. Ms. Thrasher agreed that the bill represents an overall increase. The ATC had anticipated raising its minimums to correspond more accurately with federal requirements. The Motor Carrier Act of 1980 did not deregulate the industry but eased entry for interstate carriers made it apparent that minimum insurance requirements should be established.

Responding to inquiries from Senator Paul Fischer and Co-chairman Faiks, Ms. Thrasher ATC insurance requirements were:

Bodily injury to or death of one person, \$100,000.00

Bodily injury to or death of all persons injured or killed in any one accident, \$300,000.00.

Damage in any accident to property of others, including cargo, \$10,000.00.

Senator Eliason raised questions concerning the relationship between pending insurance requirements and statutory effective mandatory insurance requirements. Co-chairman Faiks and Senator Halford responded that proposed requirements under the bill are much higher. Senator Eliason requested that a representative from the Division of Insurance speak to the issue as well as a representative from ATC.

In her closing statement, Ms. Thrasher encouraged the committee to take prompt action on the insurance portion of the legislation since the trucking industry needs to know what its insurance requirements are going to be. Senator Halford asked if trucking and air carriers envision a benefit to passing a bill with the same requirements as the ATC just to establish whether the program will be in Commerce or Public Safety and return to deal with requirement limits at a later time? Ms. Thrasher responded, "No, . . . I encourage you to set the limit now in legislation and pass it." She stressed that the industry feels the ATC levels were too low. The federal government set its limit based on a three-year study resulting from public hearings nationwide. Limits included within the bill fall between those of ATC and the federal government and are not too high. Those involved in commerce and the movement of freight should be willing to accept insurance responsibilities.

REED STOOPS and BOB JACOBSEN, representing the Alaska Air Carriers next appeared before committee. Mr. Jacobsen advised of a feeling of discouragement that the legislation does not appear likely to pass within the needed time frame. He noted that failure to meet the deadline established by initiative places the function under that Dept. of Public Safety. The Carriers prefer that it be placed within the Dept. of Commerce.

The Carriers have attempted to work with the Governor's proposal and the transportation committees in both the House and Senate. He urged that the legislature set insurance requirements and noted that in 1982 the average death settlement in aviation-related accidents was in excess of \$250,000.00. The federally mandated per seat liability for scheduled air service is \$300,000.00. Mr. Jacobsen suggested that the legislature use federal figures when preparing state legislation.

Mr. Jacobsen also voiced need for some type of certification process requiring that non-scheduled carriers be certified by the FAA and scheduled carriers comply with CAB/DOT 401 fitness standards.

Referring to the letter of intent from the Transportation Committee, Mr. Jacobsen voiced concern for in-state effects of initiative deregulation particularly upon bush communities dependent upon aviation.

He further urged that the FAA certification process be examined in terms of whether or not a state process should be required. He noted that the legislature previously funded the Alaska Aviation Safety Foundation which was to develop curriculum to enhance judgment and decision making by pilots. The first classes will be offered next month at the Bethel Community College. This is a good program which should enhance safety factors statewide. He suggested that air carriers be required to

adhere to minimum standards established by the Safety Foundation such as sending pilots to continuing training programs.

Senator Kerttula raised questions concerning opposition to placement of the program within the Dept. of Public Safety. Mr. Jacobsen responded that air carriers are already dealing with the Dept. of Commerce. The certification involved is more in the area of insurance or occupational licensing and should be placed within Commerce in order to allow carriers to deal with a single state agency rather than two. Reed Stoops added that the initiative placed the function in Public Safety since it was viewed from the point of truck inspections rather than the clerical function of certifying that carriers had adequate insurance. For ease of administration, the function would be better placed within the Dept. of Commerce.

Senator Kerttula voiced his belief that the group sponsoring the initiative felt it was better placed in Public Safety. Senator Halford said that the combined initiative appears to be directed toward Public Safety, but since there is no in-state safety function relating to air carriers (that function is governed by the FAA) the program could be placed within Commerce.

Discussion followed concerning insurance coverage for air carriers and filing requirements for interstate aircraft.

FRANK GORUM, Inspector, Asst. to the Commissioner, Dept. of Public Safety, next appeared before committee. Senator Kerttula raised questions concerning overweight vehicles which are not "picked up" by scale house attendants, and advised that his information estimates 5 million cubic yards of overweight transport. He expressed concern regarding overweight, undermaintained equipment driving too fast. Where should inspection authority be located? Mr. Gorum responded that the department has no general report covering the issue, but the information could be obtained from citations issued for overweight vehicles which have been found to be mechanically unsafe. The Dept. has statutory and regulatory authority to stop, inspect, and sideline vehicles. Senator Halford asked if placement of the function contemplated by the legislation within the Dept. of Commerce would weaken the authority now assigned to Public Safety. Mr. Gorum responded, "No, the statutes are still there and the regulations are still there under Title 28 and 13 AAC."

Senator Halford asked if the state has compiled statistical data on the percentage of accidents on the highway involving trucks which are caused by mechanically unsafe trucks. Mr. Gorum answered that the Dept. of Transportation maintains a system whereby it logs every accident, its location, and its causation. Co-chairman Faiks advised that the statistics must be maintained for federal highway working funds. They are readily available. The Co-chairman advised that she would request the statistics.

Senator Kerttula asked if it would create an additional burden for the Dept. of Public Safety to assume the inspection functions contemplated by the legislation. Mr. Gorum responded that the Dept. of Public Safety placed \$600.0 and a request for 8 employees in its FY 86 budget for the inspection work.

Responding to a question from Senator Paul Fischer concerning emergency oversight when the ATC ceases to exist, Mr. Gorum advised that the Division of Motor Vehicles drafted regulations for review by the Attorney General. Senator Fischer asked that the committee be provided a copy of the proposed regulations.

Senator Halford raised questions concerning notification of ATC registered carriers (surface and air) regarding initiative requirements. Mr. Gorum responded that the proposed emergency regulations contemplate effecting the same insurance requirements as established by the ATC with the exception: under the ATC the requirement for property damage was \$10,000, under new mandatory insurance requirements the amount is \$25,000. The emergency regulation will require \$25,000. Most carriers have the mandated amount of insurance at this time. The regulations will have to be publicised within 10 days via the press and radio. Senator Halford suggested that Public Safety secure the ATC's mailing list and individually notify carriers by mail in addition to publication.

Co-chairman Faiks directed attention to a memorandum and proposed amendments to the portion of the legislation dealing with insurance requirements. Due to time constraints, it was agreed that the handout would be reviewed by members and discussed at a subsequent meeting.

ADJOURNMENT

There being nothing further to come before committee at this time, the meeting was adjourned at 10:35 a.m.

SFC-85, #7, Side 2 (000-end)
SFC-85, #9, Side 1 (255-end)
SFC-85, #9, Side 2 (000-730)

M E M O R A N D U M

To: Senators Halford, Kerttula, Eliason and Faiks
From: John Manly, A.A.,
Transportation Committee
Date: March 18, 1985
Re: Proposed Finance CS for SB 103

In brief, the changes made to the attached finance CS for SB 103 are:

pg 1, line 10: A new section 1 is inserted, to tie-in the denial of registration by DMV for uninspected vehicles in the proper place in the statutes (title 28).

pg 2, line 7: Adds language to place financial responsibility on a person who rents or leases a motor vehicle for another to carry freight, which should include gravel-haulers.

pg 3, line 5: This sentence still says the same as it did before, but was rewritten for clarity.

pg 3, line 13: The word "intrastate" is inserted.

pg 3, line 14: The weight of the motor vehicle is deleted, and is taken care of in the definition of "motor vehicle" in the definitions section.

pg 3, line 15: Two subsections are added, to make (f) consistent with the changes made to (a) above it.

pg 3, line 22: The phrase "for that aircraft" is added, to clarify that what is being certified is an aircraft, not an air commerce business.

pg 4, line 3: The phrase "shall be" is replaced by the word "is", for drafting purposes.

pg 4, line 17: The phrase "suspension or revocation" is replaced by the word "denial".

pg 4, line 18: The entire sentence is rewritten for clarity.

pg 4, line 28: The phrase "on a public highway of this state" is deleted as a redundancy: It is taken care of in the definition of "motor vehicle".

pg 4, line 28: The sentence regarding denial of vehicle registration is deleted, and properly placed in sec. 1.

pg 5, line 10: The phrase "or owned and operated by a person who uses the motor vehicle for other than commercial purposes" is inserted, to exempt certain privately-owned vehicles from inspections.

pg 5, line 22: The word "and" is added, and the phrase "and inspection stickers" is deleted as a redundancy.

pg 5, line 29: The phrase "of an operator" is deleted, as unnecessary.

pg 6, line 24: The phrase "or revoke" is added, to give the department more flexibility.

pg 6, line 28: The word "denied" is replaced with the word "revoked", to make (c) consistent with (b).

pg 8, line 9: The definition of "commercial purposes" is amended to exclude "activities incidental to and done in furtherance of the person's primary business".

Differences between House and Senate Versions of HB 133 relating
to the Air Carriers

42.30.200 lines 5 - 9 When combined with the definitions sections, the minimum insurance requirements established by the bill would apply somewhat differently under the bills. The House definition is more inclusive in which carriers must be covered. The Senate version exempts lodge owners and others who use aircraft as part of their primary business.

AACA's preference -

Minimum insurance levels - House \$200,000 per seat
Senate \$100,000 per seat + \$500,000
per seat in the event of a settlement
of \$100,000 or greater involving
injury or death.

AACA's preference - House version if there is trade off to eliminate the "settlement penalty" provision in the Senate bill. \$100,000 per seat is also O.K. The settlement penalty provision is unworkable and should not be accepted.

Penalties House version - Class A misdemeanor
Senate version - Class B "

AACA's preference - House version, although this is not a big deal.

42.30.200 Senate version contains sections b, c, d, and e not in House version. These are all good provisions which should be accepted by the House.

Definition of "air commerce" - in Senate bill, not in House bill - see # 1 above.

Alaska State Legislature

House of Representatives

Committee on Transportation



Rep. Bette Cato, Chairman

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

12 MAY 1985
CONFERENCE COMMITTEE ACTIONS ON HB 133

The Conference Committee has reached an agreement on the language to be used in House Bill 133 as follows:

We have incorporated the surface transportation language (commercial motor vehicle licensing requirements and safety inspection program) of HB 364 (Irsp) and the air transportation language of SCS CSHB 133(Fin) am S to achieve the Conference Committee Substitute for House Bill No. 133 with the following changes:

-Change the age requirement from 21 to 19 years of age for a commercial motor vehicle license; added that the applicant "has successfully completed all required driving tests and written and physical examinations. (one of the main concerns of this section expressed by the House, Senate and motor carriers, is that the most important aspect of this section is the successful completion of a proficiency test before being licensed)

-Added language in Section 2 "after January 1, 1986" is the date in which a commercial motor vehicle must have a certificate of inspection.

-Changed the reference to "department" (meaning the department of public safety) to "division" (meaning Division of Motor Vehicles) to insure that the inspection program will be enforced by DMV and not the troopers.

-Added language to the EXEMPTION section:

(2) used exclusively to transport ranch and farm products other than bulk milk. (This exempts farm vehicles other than the over 10,000 pound bulk milk trucks)

(3) customarily and historically used for commercial purposes for fewer than 20 hours a month. (This exempts those people that may only use their over 10,000 pound unladen gross weight vehicle only once or twice a year.)

-Changed and language to Section 28.32.080. DUTIES OF COMMISSIONER as follows:

The Commissioner of public safety shall adopt procedural regulations appropriate to achieve compatibility with other western

states and regulations necessary to implement the safety requirement for the commercial motor vehicle inspection program under this chapter. (This language was used to put a cap on the regulations which the division may write, plus encourage them to use the standards of the commercial motor vehicle safety alliance)

-Added language to the definition of (b) a state or local government vehicle "of more than 10,000 pound unladen gross weight..." (this was an oversight, language taken from the HB 264 Finance DRAFT)

-Added definition of "division" to mean the division of motor vehicles, Department of Public Safety as mentioned earlier.

-Changed the minimum amount for air carrier property damage in a single occurrence from \$200,000 to \$100,000. (This was the old limit set by the ATC and was changed to \$200,000 inadvertently when discussing motor carrier insurance limits)

The Conference Committee also adopted the Letter of Intent which passed the Senate when it accompanied SCS CSHB 133(Fin) am S.

The above is taken from the draft we were working on, and we expect the final form of the bill from legal services before floor session.

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE CONFERENCE COMMITTEE

2 CONFERENCE CS FOR HOUSE BILL NO. 133

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to transportation safety and finan-
7 cial responsibility; and providing for an effective
8 date."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 28.10.041(a) is amended by adding a new paragraph to
12 read:

13 (9) the vehicle is without a certificate of inspection
14 required under AS 28.32.010.

15 * Sec. 2. AS 28.15.041 is amended by adding a new subsection to read:

16 (c) A person may not drive a commercial motor vehicle until the
17 person applies for and is issued a license for that purpose under (a)
18 of this section. The department may not issue a license under this
19 subsection unless the applicant is at least 19 years of age, has held
20 a valid driver's license at least one year, and has successfully
21 completed all required driving tests and written and physical examina-
22 tions. In this subsection, "commercial motor vehicle" has the meaning
23 given in AS 28.32.900.

24 * Sec. 3. AS 28 is amended by adding a new chapter to read:

25 CHAPTER 32. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS.

26 Sec. 28.32.010. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS. A
27 commercial motor vehicle may not be operated after January 1, 1986
28 without a certificate of inspection. An owner of a commercial motor
29 vehicle shall renew a certificate of inspection at least semi-annually
at an official inspection station under AS 28.32.030. The owner may

1 renew a certificate of inspection at any time during the office hours
2 of the inspection station. An owner of a commercial motor vehicle
3 shall display a current sticker of inspection visible from outside the
4 vehicle in a location determined by the division.

5 Sec. 28.32.020. EXEMPTIONS. A commercial motor vehicle is
6 exempt from the requirements of AS 28.32.010 if it is

7 (1) owned and operated by the federal government unless the
8 vehicle is used to transport property of the general public for com-
9 pensation in competition with other persons who own or operate a
10 commercial motor vehicle subject to this chapter, and except to the
11 extent regulation of vehicles operated by the federal government is
12 permitted by federal law; or

13 (2) used exclusively to transport ranch and farm products.

14 *other than bulk milk, feeding*
other than dairy products

15 (3) *customarily and historically used for commercial purposes for not more*
than 24 hrs

16 Sec. 28.32.030. OFFICIAL COMMERCIAL MOTOR VEHICLE INSPECTION
17 STATIONS. (a) A person may not operate an official commercial motor
18 vehicle inspection station without a permit from the division. The
19 division shall approve an application for permit to operate an in-
20 spection station if

21 (1) the division determines the inspection station has
22 proper equipment and competent personnel; and

23 (2) a commercial motor vehicle inspector certified under
24 AS 28.32.040 is employed at the inspection station.

25 (b) After the division approves an application for a permit to
26 operate an official inspection station under (a) of this section, it
27 shall provide the applicant with a permit and certificates of inspec-
28 tion.

29 (c) Upon receipt of a permit from the division under (b) of this
section, the operator of an official commercial motor vehicle

1 inspection station shall post the permit in a conspicuous place at the
2 location designated by the division.

3 (d) The division may enter the premises of the operator of an
4 official commercial motor vehicle inspection station during the
5 station's business hours to inspect the work of a certified commercial
6 motor vehicle inspector or to determine if the operator continues to
7 meet the requirements of this section.

8 (e) The division shall suspend or revoke a permit of an operator
9 of an official commercial motor vehicle inspection station if the
10 operator fails to meet the requirements of this section.

11 (f) Upon notice of suspension or revocation of a permit under
12 (e) of this section, the operator of an official commercial motor
13 vehicle inspection station shall immediately terminate all inspection
14 activities and, on demand by the division, return the permit and all
15 unissued certificates of inspection. The division shall issue a
16 receipt for all returned certificates of inspection.

17 (g) If a permit is suspended or revoked under (e) of this sec-
18 tion, the division shall give the holder of the permit a hearing
19 within 10 days after receipt of a written request filed with the
20 division within 30 days after suspension or revocation.

21 (h) A permit to operate an official commercial motor vehicle
22 inspection station may not be assigned, transferred, or used at a
23 location other than the location designated by the division.

24 Sec. 28.32.040. CERTIFICATION OF COMMERCIAL MOTOR VEHICLE IN-
25 SPECTORS. (a) A person may not conduct a commercial motor vehicle
26 inspection at an official inspection station under AS 28.32.030 unless
27 certified as a commercial motor vehicle inspector by the division.

28 (b) The division may suspend or revoke the certification issued
29 to a commercial motor vehicle inspector under (a) of this section if

1 the commercial motor vehicle inspector improperly conducts inspections
2 or fails to comply with a provision of this section.

3 (c) If a certificate is revoked or suspended under (b) of this
4 section the division shall give a commercial motor vehicle inspector a
5 hearing within 10 days after the receipt of a written request filed
6 with the commissioner within 30 days after revocation or suspension.

7 Sec. 28.32.050. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A
8 person operating an official commercial motor vehicle inspection
9 station shall issue a certificate of inspection to the owner of a
10 commercial motor vehicle after determining that the commercial motor
11 vehicle is in a safe and mechanically sound condition.

12 (b) A person operating an official commercial motor vehicle
13 inspection station shall keep a record of each inspection performed at
14 the station. The division may audit the records of an official in-
15 spection station at any time.

16 Sec. 28.32.060. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.

17 (a) A person may not represent a place as an official commercial
18 motor vehicle inspection station unless the station is operating under
19 a valid permit issued by the division under AS 28.32.030.

20 (b) A person may not issue a certificate of inspection under
21 AS 28.32.050 unless the person holds a valid permit under AS 28.-
22 32.030.

23 Sec. 28.32.070. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A
24 person may not make, issue, or knowingly use an imitation or counter-
25 feit of an official certificate of inspection.

26 (b) A person may not knowingly display or issue a certificate
27 of inspection on a commercial motor vehicle unless the commercial
28 motor vehicle has met the requirements of AS 28.32.050(a).

29 Sec. 28.32.080. DUTIES OF COMMISSIONER. The commissioner of

1 → public safety shall adopt necessary regulations to implement the
2 safety requirements for the commercial motor vehicle inspection pro-
3 gram under this chapter. *commitment*

4 Sec. 28.32.090. VIOLATION A MISDEMEANOR. A person who violates
5 a provision of this chapter is guilty of a class B misdemeanor.

6 Sec. 28.32.900. DEFINITIONS. In this chapter,

7 (1) "commercial motor vehicle" means a vehicle used by the
8 owner or another person for commercial purposes upon the state highway
9 system, a vehicular way connected by another highway or vehicular way
10 to the state highway system, or a highway or vehicular way with an
11 average daily traffic volume greater than 499, if the vehicle is

12 (A) a school bus;

13 → (B) a state or local government vehicle; *of more than*
14 *10,000 pounds unladen gross weight; or*

15 (C) a truck or bus of more than 10,000 pounds unladen
16 gross weight; or

17 (D) a trailer of 5,000 pounds or more unladen gross
18 weight attached to a vehicle described in (C) of this paragraph;

19 (2) "commercial purposes" means activities for which a
20 person receives direct monetary compensation or activities for which a
21 person receives no direct monetary compensation but are incidental to
22 and done in furtherance of the person's primary business;

23 (3) "division" means the division of motor vehicles, De-
24 partment of Public Safety.

25 * Sec. 4. AS 28 is amended by adding a new chapter to read:

26 CHAPTER 33. COMMERCIAL MOTOR VEHICLE FINANCIAL RESPONSIBILITY.

27 Sec. 28.33.010. FINANCIAL RESPONSIBILITY. (a) A person who
28 ? → carries passengers or freight (for hire) intrastate in a commercial
29 motor vehicle or a person who carries freight in a motor vehicle for
commercial purposes, or a person who rents or leases a motor vehicle

1 for the use of another to carry freight shall procure and maintain
2 security in the following minimum amounts:

3 (1) \$200,000 for property damage in a single occurrence;

4 (2) \$500,000 for bodily injury or death in a single occur-
5 rence.

6 (b) Evidence of security required under (a) of this section
7 shall be filed with the department and must be

8 (1) a policy or certificate of insurance issued by an
9 insurer acceptable to the department; or

10 (2) a bond of a surety company licensed to write surety
11 bonds in the state; or

12 (3) evidence accepted by the department, showing ability to
13 self-insure; or

14 (4) other security approved by the department.

15 (c) The department may authorize department personnel to enforce
16 this section and may adopt procedural regulations necessary to imple-
17 ment this section.

18 (d) A policy of insurance, surety bond, or other form of securi-
19 ty may not be cancelled on less than 30 days' written notice to the
20 department. This requirement must be clearly stated in the policy or
21 endorsement for an insurance policy submitted as proof of financial
22 responsibility under AS 42.30.225(a)(1). The 30-day notice period is
23 measured from the date on which the department receives notice.

24 (e) A person who violates (a) of this section is guilty of a
25 class B misdemeanor and is punishable by a fine of not less than \$500
26 or more than \$1,000.

27 (f) In this section "freight" means commodities, articles, and
28 cargo, of whatever nature or value.

29 * Sec. 5. AS 42.30.200 is amended to read:

CCSHB 133 (10) Am. S
w/ Standing on Financial Amendment

1 Sec. 42.30.200. AIR CARRIER FINANCIAL RESPONSIBILITY. (a) A
2 person who carries passengers or freight for commercial purposes
3 [HIRE] intrastate in an aircraft shall procure and maintain security
4 in the following minimum amounts:

5 (1) \$150,000 per seat for bodily injury or death in a
6 single occurrence; and

7 ← (2) \$^{100,000}200,000 for property damage in a single occurrence [AN
8 AMOUNT DETERMINED BY THE DEPARTMENT OF PUBLIC SAFETY AS NECESSARY FOR
9 THE REASONABLE PROTECTION OF THE PUBLIC AGAINST DAMAGES OR INJURY
10 CAUSED BY THE PERSON].

11 (b) Evidence of security required under (a) of this section
12 shall be filed with the department and must be

13 (1) a policy or certificate of insurance issued by an
14 insurer acceptable to the department; or

15 (2) a bond of a surety company licensed to write surety
16 bonds in the state; or

17 (3) evidence accepted by the department, showing ability to
18 self-insure; or

19 (4) other security approved by the department.

20 (c) The department may authorize department personnel [ENFORCE-
21 MENT OFFICERS' to enforce this section and may adopt procedural regu-
22 lations necessary to implement this section.

23 * Sec. 6. AS 42.30.200 is amended by adding new subsections to read:

24 (d) A policy of insurance, surety bond, or other form of secur-
25 ity may not be cancelled on less than 30 days' written notice to the
26 department. This requirement must be clearly stated in the policy or
27 endorsement for an insurance policy submitted as proof of financial
28 responsibility under AS 42.30.225(a)(1). The 30-day notice period is
29 measured from the date on which the department receives notice.

1 (e) A person who violates (a) of this section is guilty of a
2 class B misdemeanor and is punishable by a fine of not less than \$500
3 or more than \$1,000.

4 * Sec. 7. AS 42.30 is amended by adding new sections to read:

5 Sec. 42.30.225. CERTIFICATION OF COMPLIANCE OF AIR CARRIERS.

6 (a) A person may not use an aircraft in air commerce before obtaining
7 an annual certificate of compliance for that aircraft from the depart-
8 ment. The department shall issue or renew a certificate of compliance
9 upon application and presentation of

10 (1) proof of financial responsibility required under
11 AS 42.30.200;

12 (2) proof of compliance with Federal Aviation Administra-
13 tion requirements, and, where applicable, federal certification for
14 scheduled airline service.

15 (b) The annual fee for a certificate of compliance is \$50. The
16 certificate is valid for a period of 12 months following the date of
17 certification. The certificate shall be displayed on the aircraft so
18 that it is visible to boarding passengers.

19 (c) Use of an aircraft in air commerce before obtaining a cer-
20 tificate of compliance required under (a) of this section may be cause
21 for denial of the certificate.

22 (d) A person who has obtained a certificate to use an aircraft
23 in air commerce from the Alaska Transportation Commission before the
24 effective date of this Act is not required to obtain a certificate of
25 compliance under (a) of this section until the date the insurance
26 policy for the aircraft is renewed.

27 (e) The department may authorize department personnel to enforce
28 this section and may adopt procedural regulations necessary to imple-
29 ment this section.

1 Sec. 42.30.380. DEFINITIONS. (a) In AS 42.30.200 - 42.30.380,

2 (1) "air carrier" means a person undertaking to engage in
3 air commerce, whether directly or indirectly, or by lease, contract,
4 or any other arrangement, and whether over regular or irregular
5 routes;

6 (2) "air commerce" means carriage by aircraft of persons or
7 freight for commercial purposes or hire in intrastate commerce, in-
8 cluding the carriage by aircraft of persons or freight that move
9 partly by aircraft and partly by other forms of transportation;

10 (3) "aircraft" means a propeller or jet-powered device used
11 or designed for flight in the air;

12 (4) "commercial purposes" means activities for which the
13 person receives direct monetary compensation and does not include
14 activities incidental to and done in furtherance of the person's
15 primary business;

16 (5) "department" means the Department of Commerce and
17 Economic Development;

18 (6) "freight" means commodities, articles, and cargo, of
19 whatever nature or value, excluding garbage and trash.

20 * Sec. 8. AS 44.33.020 is amended by adding a new paragraph to read:

21 (27) implement the safety and financial responsibility
22 requirements for air carriers under AS 42.30.200 - 42.30.380.

23 * Sec. 9. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).

to the Rules Committee.

SENATE BILL NO. 300 (authorizing \$1,000,000 from the disaster fund) and a majority of the Senate. The report was signed by Senator Paul Sackett and concurred in by Senators Paul Sackett.

to the Rules Committee.

CS FOR HOUSE BILL NO. 60 (authorizing the operating and loan program) and recommended it be passed.

BILL NO. 60 (FIN)

signed by Senator Sackett, Co-Chairman. Senators Kerttula, Halford, Paul Sackett, and Paul Faiks.

was referred to the Rules Committee.

Services Committee considered the Older Alaskans Commission; the committee recommended do pass. The report was signed by Senator Ahrenkamp, Chairman and concurred in by Senators Sturgulewski and Paul Sackett. "no recommendation".

to the Rules Committee.

CS FOR HOUSE BILL NO. 133 (authorizing financial responsibility) and recommended it be passed.

BILL NO. 133 (FIN)

HB 133 cont'd

with a majority do pass. Senator Faiks, Co-Chairman, signed "no recommendation". Senators Kerttula, Halford, Eliason, Paul Fischer, Ferguson and Sackett signed "do pass".

Finance Committee fiscal note on the Department of Commerce and Economic Development appears in Supplement No. 34.

"Letter of Intent
SCS CS HB 133 (FIN)

It is the intent of the Legislature that a study be undertaken by legislative staff to determine:

1. What federal safety regulations are applicable to Alaska intrastate air commerce, and which, if any, ought to be incorporated into the State's certification of compliance program;
2. If the hazardous flying conditions in Alaska warrant additional safety training for pilots as a condition of state certification of compliance;
3. The effects of phase out or elimination of the federal essential air service program on the reliability of air service to Alaska communities; and
4. The efficiency and effectiveness with which the Department of Commerce and Economic Development has established a motor vehicle safety inspection program.

The results of this study shall be reported to the Second Session of the Fourteenth Alaska Legislature not later than the tenth day after it convenes."

CS FOR HOUSE BILL NO. 133 (FIN) was referred to the Rules Committee.

HB 140

The State Affairs Committee considered CS FOR HOUSE BILL NO. 140 (RLS) (use of teleconferencing under the Administrative Procedure Act) and a majority of the committee recommended do pass. The report was signed by Senator Abood, Chairman and concurred in by Senators DeVries, Kelly and Ray.

CS FOR HOUSE BILL NO. 140 (RLS) was referred to the Finance Committee.

Letter of Intent

Conference CS for HB 133

It is the intent of the Legislature that a study be undertaken by legislative staff to determine:

1. What federal safety regulations are applicable to Alaska intrastate air commerce, and which, if any, ought to be incorporated into the State's certification of compliance program;
2. If the hazardous flying conditions in Alaska warrant additional safety training for pilots as a condition of state certification of compliance;
3. The effects of phase out or elimination of the federal essential air service program on the reliability of air service to Alaska communities; and
4. The efficiency and effectiveness with which the Division of Motor Vehicles in the Department of Public Safety has established a motor vehicle safety inspection program.

It is further the intent of the Legislature that commercial motor vehicles operating in the rural areas of Alaska which are not connected to the major through highways of the Railbelt are exempt from the motor vehicle safety inspection requirements of this Act.

Offered: 4/24/85
Referred: Finance

Original sponsor: Transportation Committee

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 364 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to commercial motor vehicle licens-
7 ing and safety inspections; and providing for an
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 28.10.041(a) is amended by adding a new paragraph to
11 read:

12 (9) the vehicle is without a certificate of inspection
13 required under AS 28.32.010.

14 * Sec. 2. AS 28.15.041 is amended by adding a new subsection to read:

15 (c) A person may not drive a commercial motor vehicle until the
16 person applies for and is issued a license for that purpose under (a)
17 of this section. The department may not issue a license under this
18 subsection unless the applicant is at least 21 years of age, has held
19 a valid driver's license at least one year, and satisfies the depart-
20 ment's standards for competence and fitness. In this subsection,
21 "commercial motor vehicle" has the meaning given in AS 28.32.900.

22 * Sec. 3. AS 28 is amended by adding a new chapter to read:

23 CHAPTER 32. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS.

24 *Public Safety* Sec. 28.32.010. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS. A
25 commercial motor vehicle may not be operated without a certificate of
26 inspection. An owner of a commercial motor vehicle shall renew a
27 certificate of inspection at least semi-annually at an official *once a year* inspection station under AS 28.32.030. *truckers want - preferably*
28 The owner may renew a certifi- *but will take 5 min*
29 cate of inspection at any time during the office hours of the

1 inspection station. An owner of a commercial motor vehicle shall
2 display a current sticker of inspection visible from outside the
3 vehicle in a location determined by the department.

4 Sec. 28.32.020. EXEMPTIONS. A commercial motor vehicle is
5 exempt from the requirements of AS 28.32.010 if it is owned and op-
6 erated by the federal government unless the vehicle is used to trans-
7 port property of the general public for compensation in competition
8 with other persons who own or operate a commercial motor vehicle
9 subject to this chapter, and except to the extent regulation of vehic-
10 les operated by the federal government is permitted by federal law.

11 Sec. 28.32.030. OFFICIAL COMMERCIAL MOTOR VEHICLE INSPECTION
12 STATIONS. (a) A person may not operate an official commercial motor
13 vehicle inspection station without a permit from the department. The
14 department shall approve an application for permit to operate an
15 inspection station if

16 (1) the department determines the inspection station has
17 proper equipment and competent personnel; and

18 (2) a commercial motor vehicle inspector certified under
19 AS 28.32.040 is employed at the inspection station.

20 (b) After the department approves an application for a permit to
21 operate an official inspection station under (a) of this section, it
22 shall provide the applicant with a permit and certificates of inspec-
23 tion.

24 (c) Upon receipt of a permit from the department under (b) of
25 this section, the operator of an official commercial motor vehicle
26 inspection station shall post the permit in a conspicuous place at the
27 location designated by the department.

28 (d) The department may enter the premises of the operator of an
29 official commercial motor vehicle inspection station during the

1 station's business hours to inspect the work of a certified commercial
2 motor vehicle inspector or to determine if the operator continues to
3 meet the requirements of this section.

4 (e) The department shall suspend or revoke a permit of an opera-
5 tor of an official commercial motor vehicle inspection station if the
6 operator fails to meet the requirements of this section.

7 (f) Upon notice of suspension or revocation of a permit under
8 (e) of this section, the operator of an official commercial motor
9 vehicle inspection station shall immediately terminate all inspection
10 activities and, on demand by the department, return the permit and all
11 unissued certificates of inspection. The department shall issue a
12 receipt for all returned certificates of inspection.

13 (g) If a permit is suspended or revoked under (e) of this sec-
14 tion, the department shall give the holder of the permit a hearing
15 within 10 days after receipt of a written request filed with the
16 department within 30 days after suspension or revocation.

17 (h) A permit to operate an official commercial motor vehicle
18 inspection station may not be assigned, transferred, or used at a
19 location other than the location designated by the department.

20 Sec. 28.32.040. CERTIFICATION OF COMMERCIAL MOTOR VEHICLE IN-
21 SPECTORS. (a) A person may not conduct a commercial motor vehicle
22 inspection at an official inspection station under AS 28.32.030 unless
23 certified as a commercial motor vehicle inspector by the department.

24 (b) The department may suspend or revoke the certification
25 issued to a commercial motor vehicle inspector under (a) of this
26 section if the commercial motor vehicle inspector improperly conducts
27 inspections or fails to comply with a provision of this section.

28 (c) If a certificate is revoked or suspended under (b) of this
29 section the department shall give a commercial motor vehicle inspector

1 a hearing within 10 days after the receipt of a written request filed
2 with the commissioner within 30 days after revocation or suspension.

3 Sec. 28.32.050. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A
4 person operating an official commercial motor vehicle inspection
5 station shall issue a certificate of inspection to the owner of a
6 commercial motor vehicle after determining that the commercial motor
7 vehicle is in a safe and mechanically sound condition.

8 (b) A person operating an official commercial motor vehicle
9 inspection station shall keep a record of each inspection performed at
10 the station and the department may audit the records of an official
11 inspection station at any time.

12 Sec. 28.32.060. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.
13 (a) A person may not represent a place as an official commercial
14 motor vehicle inspection station unless the station is operating under
15 a valid permit issued by the department under AS 28.32.030.

16 (b) A person may not issue a certificate of inspection under
17 AS 28.32.050 unless the person holds a valid permit under
18 AS 28.32.030.

19 Sec. 28.32.070. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A
20 person may not make, issue, or knowingly use an imitation or counter-
21 feit of an official certificate of inspection.

22 (b) A person may not knowingly display or issue a certificate
23 of inspection on a commercial motor vehicle unless the commercial
24 motor vehicle has met the requirements of AS 28.32.050(a).

25 Sec. 28.32.080. DUTIES OF COMMISSIONER. The commissioner of
26 public safety shall adopt necessary regulations to implement the
27 safety requirements for the commercial motor vehicle inspection
28 program under this chapter.

29 Sec. 28.32.090. VIOLATION A MISDEMEANOR. A person who violates

1 a provision of this chapter is guilty of a class B misdemeanor.

2 Sec. 28.32.900. DEFINITIONS. In this chapter,

3 *new* (1) "commercial motor vehicle" means a vehicle used by the
4 owner or another person for commercial purposes upon the state highway
5 system, a vehicular way connected by another highway or vehicular way
6 to the state highway system, or a highway or vehicular way with an
7 average daily traffic volume greater than 499, if the vehicle is

8 (A) a school bus;

9 (B) a state or local government vehicle;

10 (C) a truck or bus of more than 10,000 pounds unladen
11 gross weight; or

12 *new* (D) a trailer of 5,000 pounds or more unladen gross
13 weight attached to a vehicle described in (C) of this paragraph;

14 *new* (2) "commercial purposes" means activities for which a
15 person receives direct monetary compensation or activities for which a
16 person receives no direct monetary compensation but are incidental to
17 and done in furtherance of the person's primary business;

18 (3) "department" means the Department of Public Safety;

19 (4) "freight" means commodities, articles, and cargo, of
20 whatever nature or value. *deleted [unclear] - [unclear]*

21 *delete* * Sec. 4. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF JANUARY 1,
22 1986. Notwithstanding AS 28.15.041(c) as enacted by sec. 2 of this Act, a
23 person born on or before December 31, 1966, is eligible for a license to
24 drive a commercial motor vehicle as defined in AS 28.32.900 if the person
25 otherwise meets the requirements of AS 28.15.041 and regulations adopted by
26 the commissioner of public safety under that section.

27 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
28 10.070(c).

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 364 (Fin)
Title: Commercial Motor Vehicle

Sponsor: Finance
Requestor: _____
Date of Request: 5/4/85

FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Police Protection

BRU, Program or Subprogram(s) Affected: _____
Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL, SERVICES		90.5				
200 TRAVEL						
300 CONTRACTUAL		20.4				
400 SUPPLIES		10.0				
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		120.9				

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE		120.9				
----------------	--	-------	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		120.9				
FEDERAL FUNDS						
OTHER						
TOTAL		0				

POSITIONS:

FULL-TIME		3				
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Personal - 2 vehicle inspection agents @ 9 months
 1 clerk typist @ 12 mos.
 Travel 20.4 (will not be ready for inspections for approximately 3 months)
 Contractual telephone, postage, and printing 10.0

Prepared By: *Al Adams* Phone: _____
 Division: House Finance Date: 5-4-85

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84



Finance Committee
Oil and Gas Committee

Alaska State Legislature

House of Representatives

Representative Mike Szymanski

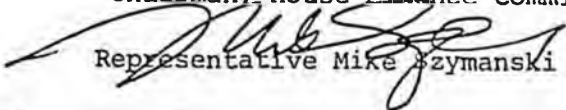
11920 Johns Road
Anchorage, Alaska 99515
Phone (907) 349-3373

While in Session:
Pouch V

State Capitol
Juneau, Alaska 99811
(907) 465-4978, 4979

May 3, 1985

TO: Representative Al Adams
Chairman, House Finance Committee

FROM:  Representative Mike Szymanski

SUBJECT: CSHB 364 - motor vehicle safety

Attached please find the proposed draft which the subcommittee has prepared for CSHB 364.

Included is a fiscal note for \$120.9 for FY 86. My staff has talked with both the Department of Public Safety and the Division of Personnel and it appears that because of the new job classification which will be required for vehicle inspection agents, it will not be possible for these people to be "on the job" for at least 4 months.

Normally, it would take 6 months to create a new job classification but if it were a priority, it would take approximately 4 months. Thus, we have adjusted the positions to reflect 9 month funding and the corresponding travel was reduced to reflect this as well.

Original sponsor: Transportation Committee

1
2 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

3 CS FOR HOUSE BILL NO. 364 (Transportation)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to commercial motor vehicle licens-
8 ing and safety inspections; and providing for an
9 effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 28.10.041(a) is amended by adding a new paragraph to
12 read:

13 (9) the vehicle is without a certificate of inspection
14 required under AS 28.32.010.

15 * Sec. 2. AS 28.15.041 is amended by adding a new subsection to read:

16 (c) A person may not drive a commercial motor vehicle until the
17 person applies for and is issued a license for that purpose under (a)
18 of this section. The department may not issue a license under this
19 subsection unless the applicant is at least 21 years of age, has held
20 a valid driver's license at least one year, and satisfies the depart-
21 ment's standards for competence and fitness. In this subsection,
22 "commercial motor vehicle" has the meaning given in AS 28.32.900.

23 * Sec. 3. AS 28 is amended by adding a new chapter to read:

24 CHAPTER 32. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS.

25 Sec. 28.32.010. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS. A
26 commercial motor vehicle may not be operated without a certificate of
27 inspection. An owner of a commercial motor vehicle shall renew a
28 certificate of inspection at least semi-annually at an official
29 inspection station under AS 28.32.030. The owner may renew a certifi-
cate of inspection at any time during the office hours of the

1
2 inspection station. An owner of a commercial motor vehicle shall
3 display a current sticker of inspection visible from outside the
4 vehicle in a location determined by the department.

5 Sec. 28.32.020. EXEMPTIONS. A commercial motor vehicle is
6 exempt from the requirements of AS 28.32.010 if it is owned and op-
7 erated by the federal government unless the vehicle is used to trans-
8 port property of the general public for compensation in competition
9 with other persons who own or operate a commercial motor vehicle
10 subject to this chapter, and except to the extent regulation of vehic-
11 les operated by the federal government is permitted by federal law.

12 Sec. 28.32.030. OFFICIAL COMMERCIAL MOTOR VEHICLE INSPECTION
13 STATIONS. (a) A person may not operate an official commercial motor
14 vehicle inspection station without a permit from the department. The
15 department shall approve an application for permit to operate an
16 inspection station if

17 (1) the department determines the inspection station has
18 proper equipment and competent personnel; and

19 (2) a commercial motor vehicle inspector certified under
20 AS 28.32.040 is employed at the inspection station.

21 (b) After the department approves an application for a permit to
22 operate an official inspection station under (a) of this section, it
23 shall provide the applicant with a permit and certificates of inspec-
24 tion.

25 (c) Upon receipt of a permit from the department under (b) of
26 this section, the operator of an official commercial motor vehicle
27 inspection station shall post the permit in a conspicuous place at the
28 location designated by the department.

29 (d) The department may enter the premises of the operator of an
official commercial motor vehicle inspection station during the

1 station's business hours to inspect the work of a certified commercial
2 motor vehicle inspector or to determine if the operator continues to
3 meet the requirements of this section.
4

5 (e) The department shall suspend or revoke a permit of an opera-
6 tor of an official commercial motor vehicle inspection station if the
7 operator fails to meet the requirements of this section.

8 (f) Upon notice of suspension or revocation of a permit under
9 (e) of this section, the operator of an official commercial motor
10 vehicle inspection station shall immediately terminate all inspection
11 activities and, on demand by the department, return the permit and all
12 unissued certificates of inspection. The department shall issue a
13 receipt for all returned certificates of inspection.

14 (g) If a permit is suspended or revoked under (e) of this sec-
15 tion, the department shall give the holder of the permit a hearing
16 within 10 days after receipt of a written request filed with the
17 department within 30 days after suspension or revocation.

18 (h) A permit to operate an official commercial motor vehicle
19 inspection station may not be assigned, transferred, or used at a
20 location other than the location designated by the department.

21 Sec. 28.32.040. CERTIFICATION OF COMMERCIAL MOTOR VEHICLE IN-
22 SPECTORS. (a) A person may not conduct a commercial motor vehicle
23 inspection at an official inspection station under AS 28.32.030 unless
24 certified as a commercial motor vehicle inspector by the department.

25 (b) The department may suspend or revoke the certification
26 issued to a commercial motor vehicle inspector under (a) of this
27 section if the commercial motor vehicle inspector improperly conducts
28 inspections or fails to comply with a provision of this section.

29 (c) If a certificate is revoked or suspended under (b) of this
section the department shall give a commercial motor vehicle inspector

1
2 a hearing within 10 days after the receipt of a written request filed
3 with the commissioner within 30 days after revocation or suspension.

4 Sec. 28.32.050. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A
5 person operating an official commercial motor vehicle inspection
6 station shall issue a certificate of inspection to the owner of a
7 commercial motor vehicle after determining that the commercial motor
8 vehicle is in a safe and mechanically sound condition.

9 (b) A person operating an official commercial motor vehicle
10 inspection station shall keep a record of each inspection performed at
11 the station and the department may audit the records of an official
12 inspection station at any time.

13 Sec. 28.32.060. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.

14 (a) A person may not represent a place as an official commercial
15 motor vehicle inspection station unless the station is operating under
16 a valid permit issued by the department under AS 28.32.030.

17 (b) A person may not issue a certificate of inspection under
18 AS 28.32.050 unless the person holds a valid permit under
19 AS 28.32.030.

20 Sec. 28.32.070. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A
21 person may not make, issue, or knowingly use an imitation or counter-
22 feit of an official certificate of inspection.

23 (b) A person may not knowingly display or issue a certificate
24 of inspection on a commercial motor vehicle unless the commercial
25 motor vehicle has met the requirements of AS 28.32.050(a).

26 Sec. 28.32.080. DUTIES OF COMMISSIONER. The commissioner of
27 public safety shall adopt necessary regulations to implement the
28 safety requirements for the commercial motor vehicle inspection
29 program under this chapter.

Sec. 28.32.090. VIOLATION A MISDEMEANOR. A person who violates

1
2 a provision of this chapter is guilty of a class B misdemeanor.

3 Sec. 28.32.900. DEFINITIONS. In this chapter,

4 (1) "commercial motor vehicle" means a vehicle used by the
5 owner or another person for commercial purposes upon the state highway
6 system, a vehicular way connected by another highway or vehicular way
7 to the state highway system, or a highway or vehicular way with an
8 average daily traffic volume greater than 499, if the vehicle is

9 (A) a school bus;

10 (B) a state or local government vehicle;

11 (C) a truck or bus of more than 10,000 pounds unladen
12 gross weight; or

13 (D) a trailer of 5,000 pounds or more unladen gross
14 weight attached to a vehicle described in (C) of this paragraph;

15 (2) "commercial purposes" means activities for which a
16 person receives direct monetary compensation or activities for which a
17 person receives no direct monetary compensation but are incidental to
18 and done in furtherance of the person's primary business;

19 (3) "department" means the Department of Public Safety;

20 (4) "freight" means commodities, articles, and cargo, of
21 whatever nature or value.

22 * Sec. 4. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF JANUARY 1,
23 1986. Notwithstanding AS 28.15.041(c) as enacted by sec. 2 of this Act, a
24 person born on or before December 31, 1966, is eligible for a license to
25 drive a commercial motor vehicle as defined in AS 28.32.900 if the person
26 otherwise meets the requirements of AS 28.15.041 and regulations adopted by
27 the commissioner of public safety under that section.

28 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
29 10.070(c).

SENATE

HOUSE

Finance Sec. 1

Allows Division of Motor Vehicles to register a motor vehicle (truck or trailer) that does not have a current inspection sticker.

Finance Sec. 2

Amends the financial responsibility language of the initiative to set insurance minimums in statute in the following amounts:

- \$200,000 property damage;
- \$500,000 bodily injury or death;
- \$100,000 per seat bodily injury or death for aircraft, or
- \$500,000 per seat for aircraft if an operator has had a death settlement in the last 3 years.

Finance Sec. 3

Adds provisions to require 30 days notice of cancellation of insurance policy and sets violation of the insurance requirement as a class B misdemeanor, with a fine of \$500 to \$1000.

House
No Section number

No comparable language

House
Sec. 1/Sec. 2

Amends language of the initiative to remove aircraft operators from Public Safety and put in Commerce, and sets the following minimum insurance amounts for aircraft only:

- \$200,000 per seat bodily injury or death;
- \$25,000 property damage.

House version leaves motor vehicle financial responsibility to Public Safety under language of the initiative

House
Sec. 2

30 day notice of cancellation is the same; violation of the section is a class A misdemeanor with minimum \$1000 to maximum \$5000 fine. Allows department to set and collect a fee.

SENATE

Finance

Sec. 4 CERTIFICATION OF COMPLIANCE

Air carrier certificate issued by DCED. Includes the following provisions:

- Proof of insurance
- Proof of FAA compliance
- Annually renewable
- \$50 fee per aircraft
- Certificate to be displayed for boarding passengers
- Interstate carriers to obtain state certificate
- Prohibition from using aircraft in commerce before obtaining cert.
- ATC-authorized carriers may continue without certificate until their insurance must be renewed.
- DCED to enforce section/adopt regs.

Finance

Sec. 4 MOTOR VEHICLE SAFETY INSPECTIONS

Program administered by DCED, includes:

- Effective January 1, 1985
- Two inspections each year
- Sticker to be visible from outside
- Dept. to adopt regulations appropriate to achieve reciprocity with other states
- Exemptions: 1. Federal Gov't. 2. Use for other than commercial purposes. 3. Rural areas
- Inspection station standards
- Certified inspectors
- Issuance of certificates of inspections
- False inspection stations
- Counterfeit inspection stickers
- Violation a class B misdemeanor

HOUSE

House

Sec. 2 CERTIFICATION OF COMPLIANCE

Air carrier program in Commerce includes:

- Proof of insurance
- Proof of FAA compliance
- Annually renewable
- Prohibition from using aircraft in commerce before obtaining cert.
- DCED to enforce section/adopt regs.

Provisions deleted by House Finance:

- \$50 fee
- Certificate to be displayed for boarding passengers
- Interstate carriers to obtain state certificate
- ATC-authorized carriers may continue without certificate until their insurance must be renewed

House

No Section number

Vehicle safety inspector section deleted

SENATE

HOUSE

Finance
Sec. 4 DEFINITIONS

All definitions are the same except that Senate Finance, in the definition of "air commerce" inserted "for commercial purposes", in order to tie the definitions together.

Finance
Sec. 5

Adds to the duties of the commissioner of commerce and economic development to cover safety and financial responsibility aspects of the bill.

Finance
Sec. 6

Provides an immediate effective date.

House
Sec. 3

Adds to the duties of DCED commissioner only the financial responsibility requirements of air carriers.

House
Sec. 4

Provides an immediate effective date.

CONFERENCE COMMITTEE REPORT

DATE: 12 MAY 1985

Mr. President:
Mr. Speaker:

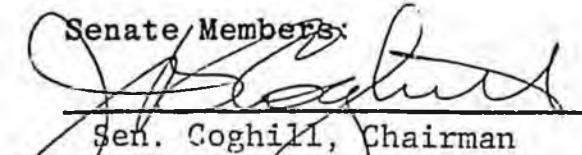
The _____ Conference Committee which has had
CSHB 133(Fin)am (relating to transportation safety and
financial responsibility; efd)
and
SCS CSHB 133(Fin) amS (same title)

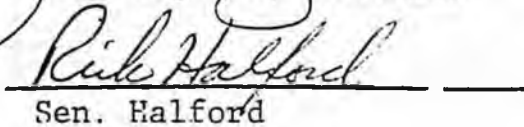
under consideration, recommends that

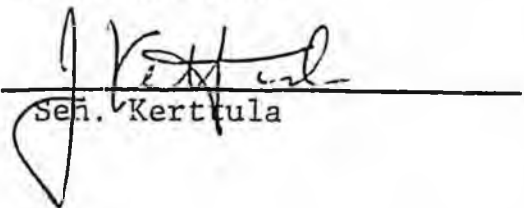
Conference Committee Substitute for
House Bill No. 133

be adopted.

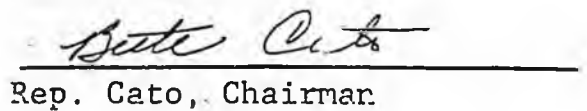
Senate Members:


Sen. Coghill, Chairman

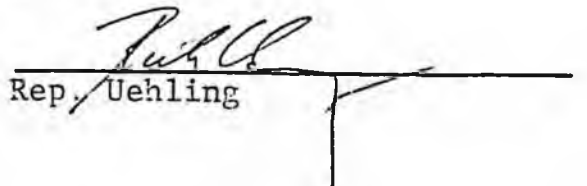

Sen. Halford


Sen. Kerttula

House Members:


Rep. Cato, Chairman

Rep. Binkley


Rep. Uehling

Letter of Intent

Conference CS for HB 133

It is the intent of the Legislature that a study be undertaken by legislative staff to determine:

1. What federal safety regulations are applicable to Alaska intrastate air commerce, and which, if any, ought to be incorporated into the State's certification of compliance program;
2. If the hazardous flying conditions in Alaska warrant additional safety training for pilots as a condition of state certification of compliance;
3. The effects of phase out or elimination of the federal essential air service program on the reliability of air service to Alaska communities; and
4. The efficiency and effectiveness with which the Division of Motor Vehicles in the Department of Public Safety has established a motor vehicle safety inspection program.

amend hb 133 pl

PROPOSED AMENDMENT

TO

PROPOSED CONFERENCE CS to HB 133

Amendment Number _____

On Page 2, Line 12

Delete the word "or"

On Page 2, Line 14, following the word "products"

Add a semi-colon (;) and the word "or"

On Page 2, Line 15,

Add a new subsection to read:

"(c) customarily and historically used for commercial purposes for fewer than 20 hours each month."

Offered: 5/1/85
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 133 (Finance) am S

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to transportation safety and finan-
7 cial responsibility; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 28.10.041(a) is amended to read:

- SECTION 1
OF CS HB 364 (TRSP)
- 11 (a) The department may refuse to register a vehicle if
12 (1) the application contains a false or fraudulent state-
13 ment;
14 (2) the applicant fails to furnish information required by
15 the department;
16 (3) the applicant is not entitled to the issuance of a
17 certificate of title or registration under this chapter;
18 (4) the vehicle is determined to be mechanically unsafe to
19 be driven or moved on a highway, vehicular way or area, or other
20 public property in this state;
21 (5) the department has reasonable grounds to believe that
22 the vehicle was stolen or fraudulently acquired or that the granting
23 of registration would be a fraud against the rightful owner or other
24 person having a valid lien upon the vehicle;
25 (6) the registration of the vehicle has been suspended or
26 revoked for any reason under the laws of this state;
27 (7) the required fees, taxes, motor freight carrier fees or
28 bus transportation fees have not been paid;
29 (8) the vehicle or applicant fails to comply with this

1 chapter or regulations authorized by this section;

2 (9) the vehicle is without a certificate of inspection
3 required under AS 42.30.300.

4 * Sec. 2. AS 42.30.200 is amended to read:

5 Sec. 42.30.200. FINANCIAL RESPONSIBILITY. (a) A person who
6 carries passengers or freight for hire intrastate in a motor vehicle
7 or an aircraft, or a person who carries freight in a motor vehicle for
8 commercial purposes, or a person who rents or leases a motor vehicle
9 for the use of another to carry freight shall procure and maintain
10 security in the following minimum amounts:

11 (1) \$200,000 for property damage in a single occurrence;

12 (2) \$500,000 for bodily injury or death in a single occur-
13 rence if a person operates a motor vehicle; and

14 (3) if a person operates an aircraft, an amount per seat
15 for bodily injury or death in a single occurrence that equals

16 (A) ^{150,000} ~~\$100,000~~; or

17 (B) ~~\$500,000 if the person has agreed to pay or has~~
18 ~~been ordered to pay \$100,000 or more to another in order to~~

19 ~~satisfy a settlement or judgment relating to bodily injury or~~
20 ~~death of a passenger caused by the operation of an aircraft~~

21 ~~within the preceding 3 years~~ [AN AMOUNT DETERMINED BY THE DE-
22 PARTMENT OF PUBLIC SAFETY AS NECESSARY FOR THE REASONABLE PROTEC-
23 TION OF THE PUBLIC AGAINST DAMAGES OR INJURY CAUSED BY THE
24 PERSON].

25 (b) Evidence of security required under (a) of this section
26 shall be filed with the department and must be

27 (1) a policy or certificate of insurance issued by an
28 insurer acceptable to the department; or

29 (2) a bond of a surety company licensed to write surety

CONFERENCE
COMMITTEE
DISCUSSION
9
COPY OF
REGS.
12

AS 28
7

} ?

1 bonds in the state; or

2 (3) evidence accepted by the department, showing ability to
3 self-insure; or

4 (4) other security approved by the department.

5 (c) The department may authorize department personnel [ENFORCE-
6 MENT OFFICERS] to enforce this section and may adopt procedural regu-
7 lations necessary to implement this section.

8 * Sec. 3. AS 42.30.200 is amended by adding new subsections to read:

9 (d) A policy of insurance, surety bond, or other form of secur-
10 ity may not be cancelled on less than 30 days' written notice to the
11 department. This requirement must be clearly stated in the policy or
12 endorsement for an insurance policy submitted as proof of financial
13 responsibility under AS 42.30.225(a)(1). The 30-day notice period is
14 measured from the date on which the department receives notice.

15 (e) A person who violates (a) of this section is guilty of a
16 class B misdemeanor and is punishable by a fine of not less than \$500
17 or more than \$1,000.

18 * Sec. 4. AS 42.30 is amended by adding new sections to read:

19 Sec. 42.30.225. CERTIFICATION OF COMPLIANCE OF AIR CARRIERS.

20 (a) A person may not use an aircraft in air commerce before obtaining
21 an annual certificate of compliance for that aircraft from the depart-
22 ment. The department shall issue or renew a certificate of compliance
23 upon application and presentation of

24 (1) proof of financial responsibility required under
25 AS 42.30.200;

26 (2) proof of compliance with Federal Aviation Administra-
27 tion requirements, and, where applicable, federal certification for
28 scheduled airline service.

29 (b) The annual fee for a certificate of compliance is \$50. The

1 certificate is valid for a period of 12 months following the date of
2 certification. The certificate shall be displayed on the aircraft so
3 that is is visible to boarding passengers.

4 ~~(c) A federally certificated interstate air carrier that pro-~~
5 ~~vides intrastate service between points in the state on an interstate-~~
6 ~~or foreign route, and who uses, for that intrastate service, aircraft-~~
7 ~~based primarily outside the state, shall also obtain a certificate of~~
8 ~~compliance for each aircraft used in intrastate service.~~

9 (d) Use of an aircraft in air commerce before obtaining a cer-
10 tificate of compliance required under (a) of this section may be cause
11 for denial of the certificate.

12 (e) A person who has obtained a certificate to use an aircraft
13 in air commerce from the Alaska Transportation Commission before the
14 effective date of this Act is not required to obtain a certificate of
15 compliance under (a) of this section until the date the insurance
16 policy for the aircraft is renewed.

17 (f) The department may authorize department personnel to enforce
18 this section and may adopt procedural regulations necessary to imple-
19 ment this section.

20 ARTICLE 6. MOTOR VEHICLE SAFETY INSPECTIONS.

21 Sec. 42.30.300. MOTOR VEHICLE SAFETY INSPECTIONS. (a) After
22 January 1, 1986, a motor vehicle may not be operated without a certi-
23 ficate of inspection. An owner of a motor vehicle shall renew a
24 certificate of inspection at least twice a year at an official in-
25 spection station under AS 42.30.320. An owner of a motor vehicle
26 shall display a sticker of inspection visible from outside the vehicle
27 in a location determined by the department.

28 (b) The commissioner of commerce and economic development may
29 adopt procedural regulations appropriate to achieve reciprocity with:

1 other western states and procedural regulations necessary to implement
2 this section.

3 Sec. 42.30.310. EXEMPTIONS. A motor vehicle is exempt from the
4 requirements of AS 42.30.300 if it is

- 5 (1) owned by the federal government;
- 6 (2) owned and operated by a person who uses the motor
7 vehicle exclusively for other than commercial purposes; or
- 8 (3) is driven or moved on a highway, vehicular way, or a
9 public parking place in the state that is not connected by a land
10 highway or vehicular way to

- 11 (A) the land-connected state highway system, or
- 12 (B) a highway or vehicular way with an average daily
13 traffic volume greater than 499.

14 Sec. 42.30.320. OFFICIAL INSPECTION STATIONS. (a) A person may
15 not operate an inspection station without a permit from the depart-
16 ment. The department shall approve an application for permit to
17 operate an inspection station if

18 (1) the department determines the inspection station has
19 proper equipment and competent personnel; and

20 (2) a certified vehicle inspector under AS 42.30.330 is
21 employed at the inspection station.

22 (b) After the department approves an application for permit to
23 operate an official inspection station under (a) of this section, it
24 shall provide the applicant with a permit and certificates of inspec-
25 tion.

26 (c) Upon receipt of a permit from the department under (a) of
27 this section, the operator of an official inspection station shall
28 post the permit in a conspicuous place at the location designated by
29 the department.

1 (d) The department may inspect a motor vehicle or enter the
2 premises of an official inspection station at any time to inspect the
3 work of the certified vehicle inspectors under AS 42.30.330 or to
4 determine if the operator continues to meet the requirements of this
5 section.

6 (e) The department shall suspend or revoke a permit of an opera-
7 tor of an official inspection station if the operator fails to meet
8 the requirements of this section.

9 (f) Upon notice of suspension or revocation of a permit under
10 (e) of this section, the operator of an official inspection station
11 shall immediately terminate all inspection activities, and on demand
12 by the department, return the permit and all certificates of inspec-
13 tion. The department shall issue a receipt for all returned certifi-
14 cates of inspection.

15 (g) If a permit is suspended or revoked under (e) of this sec-
16 tion, the department shall give an operator of an official inspection
17 station a hearing, upon written request filed with the department
18 within 10 days after suspension or revocation.

19 (h) A permit to operate an official inspection station may not
20 be assigned, transferred, or used at a location other than the lo-
21 cation designated by the department.

22 Sec. 42.30.330. CERTIFICATION OF VEHICLE INSPECTORS. (a) A
23 person may not conduct a motor vehicle inspection at an official
24 inspection station under AS 42.30.320 unless certified as a vehicle
25 inspector by the department.

26 (b) The department may suspend or revoke the certification
27 issued to a vehicle inspector under (a) of this section if the vehicle
28 inspector improperly conducts inspections or fails to comply with a
29 provision of this section.

1 (c) If a certificate is revoked or suspended under (b) of this
2 section the department shall give a vehicle inspector a hearing upon
3 written request filed with the commissioner within 10 days after
4 denial or suspension.

5 Sec. 42.30.340. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A
6 person operating an official inspection station shall issue a certifi-
7 cate of inspection to the owner of a motor vehicle after determining
8 the motor vehicle is in a safe and mechanically sound condition.

9 (b) A person operating an official inspection station shall keep
10 a record of each inspection performed at the station, and the depart-
11 ment may audit the records of an official inspection station at any
12 time.

13 Sec. 42.30.350. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.

14 (a) A person may not represent a place as an official inspection
15 station unless the station is operating under a valid permit issued by
16 the department under AS 42.30.320.

17 (b) A person may not issue a certificate of inspection unless
18 the person holds a valid permit under AS 42.30.320.

19 Sec. 42.30.360. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A
20 person may not make, issue, or knowingly use an imitation or counter-
21 feit of an official certificate of inspection.

22 (b) A person may not knowingly display or issue a certificate
23 of inspection on a motor vehicle unless the motor vehicle has met the
24 requirements of AS 42.30.340.

25 Sec. 42.30.370. VIOLATION A MISDEMEANOR. A person who violates
26 a provision of AS 42.30.300 - 42.30.360 is guilty of a class B misde-
27 meanor.

28 Sec. 42.30.380. DEFINITIONS. (a) In AS 42.30.200 - 42.30.380,

29 (1) "air carrier" means a person undertaking to engage in

1 requirements for motor vehicles and air carriers under AS 42.30.200 -
2 42.30.380.
3 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).

Offered: 5/1/85
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 133 (Finance) am S
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to transportation safety and finan-
7 cial responsibility; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 28.10.041(a) is amended by adding a new paragraph to
11 read:

12 (9) the vehicle is without a certificate of inspection
13 required under AS 28.32.010.

14 * Sec. 2. AS 28.15.041 is amended by adding a new subsection to read:

15 (c) A person may not drive a commercial motor vehicle until the
16 person applies for and is issued a license for that purpose under (a)
17 of this section. The department may not issue a license under this
18 subsection unless the applicant is at least ¹⁹21 years of age, has held
19 a valid driver's license at least one year, ^{has made application and has successful} and satisfies the depart-
20 ^{completed all required driving, written and physical examinations.} ment's standards for competence and fitness. In this subsection,
21 "commercial motor vehicle" has the meaning given in AS 28.32.900.

LANGUAGE FROM HB 364 (TRSP) w/ CHANGES AS INDICATED:

- CHANGE 21 TO 19 YRS. OF AGE
- TIGHTENED LANGUAGE "HAS... successfully completed all req"

①

4 * Sec. 2. ^{AS 28 is amended by adding a new section to read:}
~~AS 42.30.200 is amended to read:~~
5 ^{28.}
6 Sec. ~~42.30.200~~. FINANCIAL RESPONSIBILITY. (a) A person who
7 carries passengers or freight for hire intrastate in a motor vehicle
8 ~~[or an aircraft.]~~ or a person who carries freight in a motor vehicle for
9 commercial purposes, or a person who rents or leases a motor vehicle
10 for the use of another to carry freight shall procure and maintain
11 security in the following minimum amounts:

- 12 (1) \$200,000 for property damage in a single occurrence;
13 (2) \$500,000 for bodily injury or death in a single occur-
14 rence if a person operates a motor vehicle; and

15 (b) Evidence of security required under (a) of this section
16 shall be filed with the department and must be

17 (1) a policy or certificate of insurance issued by an
18 insurer acceptable to the department; or

19 (2) a bond of a surety company licensed to write surety
20 bonds in the state; or

21 (3) evidence accepted by the department, showing ability to
22 self-insure; or

23 (4) other security approved by the department.

24 (c) The department may authorize department personnel [ENFORCE-
25 MENT OFFICERS] to enforce this section and may adopt procedural regu-
26 lations necessary to implement this section.

27 * Sec. 3. ~~AS 42.30.200~~ ^{28.} is amended by adding new subsections to read:

28 (d) A policy of insurance, surety bond, or other form of secur-
29 ity may not be cancelled on less than 30 days' written notice to the
30 department. This requirement must be clearly stated in the policy or
31 endorsement for an insurance policy submitted as proof of financial
32 responsibility under AS 42.30.225(a)(1). The 30-day notice period is
33 measured from the date on which the department receives notice.

34 (e) A person who violates (a) of this section is guilty of a
35 class B misdemeanor and is punishable by a fine of not less than \$500
36 or more than \$1,000.
37

23 CHAPTER 32. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS.

24 Sec. 28.32.010. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS. A
25 commercial motor vehicle may not be operated ^{after January 1, 1986} without a certificate of
26 inspection. An owner of a commercial motor vehicle shall renew a
27 certificate of inspection at least semi-annually at an official
28 inspection station under AS 28.32.030. The owner may renew a certifi-
29 cate of inspection at any time during the office hours of the
1 inspection station. An owner of a commercial motor vehicle shall
2 display a current sticker of inspection visible from outside the
3 vehicle in a location determined by the department.

4 Sec. 28.32.020. EXEMPTIONS. A commercial motor vehicle is
5 exempt from the requirements of AS 28.32.010 if it is ^(a) owned and op-
6 erated by the federal government unless the vehicle is used to trans-
7 port property of the general public for compensation in competition
8 with other persons who own or operate a commercial motor vehicle
9 subject to this chapter, and except to the extent regulation of vehic-
10 les operated by the federal government is permitted by federal law.

(b) used exclusively to transport ranch and farm products
unless it is used to transport dairy products.

11 Sec. 28.32.030. OFFICIAL COMMERCIAL MOTOR VEHICLE INSPECTION
12 STATIONS. (a) A person may not operate an official commercial motor
13 vehicle inspection station without a permit from the ^{division of motor vehicles} department. The
14 department shall approve an application for permit to operate an
15 inspection station if

16 (1) the department determines the inspection station has
17 proper equipment and competent personnel; and

18 (2) a commercial motor vehicle inspector certified under
19 AS 28.32.040 is employed at the inspection station.

20 (b) After the department approves an application for a permit to
21 operate an official inspection station under (a) of this section, it
22 shall provide the applicant with a permit and certificates of inspec-
23 tion.

24 (c) Upon receipt of a permit from the department under (b) of
25 this section, the operator of an official commercial motor vehicle
26 inspection station shall post the permit in a conspicuous place at the
27 location designated by the department.

28 (d) The department may enter the premises of the operator of an
29 official commercial motor vehicle inspection station during the

1 station's business hours to inspect the work of a certified commercial
2 motor vehicle inspector or to determine if the operator continues to
3 meet the requirements of this section.

4 (e) The department shall suspend or revoke a permit of an opera-
5 tor of an official commercial motor vehicle inspection station if the
6 operator fails to meet the requirements of this section.

7 (f) Upon notice of suspension or revocation of a permit under
8 (e) of this section, the operator of an official commercial motor
9 vehicle inspection station shall immediately terminate all inspection
10 activities and, on demand by the department, return the permit and all
11 unissued certificates of inspection. The department shall issue a
12 receipt for all returned certificates of inspection.

13 (g) If a permit is suspended or revoked under (e) of this sec-
14 tion, the department shall give the holder of the permit a hearing
15 within 10 days after receipt of a written request filed with the
16 department within 30 days after suspension or revocation.

17 (h) A permit to operate an official commercial motor vehicle
18 inspection station may not be assigned, transferred, or used at a
19 location other than the location designated by the department.

20 Sec. 28.32.040. CERTIFICATION OF COMMERCIAL MOTOR VEHICLE IN-
21 SPECTORS. (a) A person may not conduct a commercial motor vehicle
22 inspection at an official inspection station under AS 28.32.030 unless
23 certified as a commercial motor vehicle inspector by the ^{division of motor vehicles} department.

24 (b) The department may suspend or revoke the certification
25 issued to a commercial motor vehicle inspector under (a) of this
26 section if the commercial motor vehicle inspector improperly conducts
27 inspections or fails to comply with a provision of this section.

28 (c) If a certificate is revoked or suspended under (b) of this
29 section the department shall give a commercial motor vehicle inspector

4

[GCHB 364 (Trsp)]

1 a hearing within 10 days after the receipt of a written request filed
2 with the commissioner within 30 days after revocation or suspension.

3 Sec. 23.32.050. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A
4 person operating an official commercial motor vehicle inspection
5 station shall issue a certificate of inspection to the owner of a
6 commercial motor vehicle after determining that the commercial motor
7 vehicle is in a safe and mechanically sound condition.

8 (b) A person operating an official commercial motor vehicle
9 inspection station shall keep a record of each inspection performed at
10 the station and the department may audit the records of an official
11 inspection station at any time.

12 Sec. 28.32.060. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.
13 (a) A person may not represent a place as an official commercial
14 motor vehicle inspection station unless the station is operating under
15 a valid permit issued by the department under AS 28.32.030.

16 (b) A person may not issue a certificate of inspection under
17 AS 28.32.050 unless the person holds a valid permit under
18 AS 28.32.030.

19 Sec. 28.32.070. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A
20 person may not make, issue, or knowingly use an imitation or counter-
21 feit of an official certificate of inspection.

22 (b) A person may not knowingly display or issue a certificate
23 of inspection on a commercial motor vehicle unless the commercial
24 motor vehicle has met the requirements of AS 28.32.050(a).

25 Sec. 28.32.080. DUTIES OF COMMISSIONER. The commissioner of
26 public safety shall adopt necessary regulations to implement the
27 safety requirements for the commercial motor vehicle inspection
28 program under this chapter.

29 Sec. 28.32.090. VIOLATION A MISDEMEANOR. A person who violates
1 a provision of this chapter is guilty of a class B misdemeanor.

↓ (4)

Sec. 28.32.900. DEFINITIONS. In this chapter,

(1) "commercial motor vehicle" means a vehicle used by the owner or another person for commercial purposes upon the state highway system, a vehicular way connected by another highway or vehicular way to the state highway system, or a highway or vehicular way with an average daily traffic volume greater than 499, if the vehicle is

(A) a school bus;

(B) a state or local government vehicle;

(C) a truck or bus of more than 10,000 pounds unladen gross weight; or

(D) a trailer of 5,000 pounds or more unladen gross weight attached to a vehicle described in (C) of this paragraph; *in this*

section, (2) "commercial purposes" means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation but are incidental to and done in furtherance of the person's primary business;

(3) "department" means the Department of Public Safety;

(4) "freight" means commodities, articles, and cargo, of whatever nature or value.

* Sec. 2. AS 42.30.200 is amended to read:

AIR CARRIER

Sec. 42.30.200. ^{FINANCIAL RESPONSIBILITY.} *Commercial Purpose* (a) A person who carries passengers or freight for ~~his~~ intrastate ~~in~~ ~~an aircraft,~~ ~~to~~ ~~operate~~ ~~or~~ ~~leases~~ ~~a~~ ~~motor~~ ~~vehicle~~ ~~for~~ ~~commercial~~ ~~purposes~~ ~~or~~ ~~a~~ ~~person~~ ~~who~~ ~~operates~~ ~~or~~ ~~leases~~ ~~a~~ ~~motor~~ ~~vehicle~~ ~~for~~ ~~the~~ ~~use~~ ~~of~~ ~~another~~ ~~to~~ ~~carry~~ ~~freight~~ shall procure and maintain security in the following minimum amounts:

(1) ^{\$150} ~~\$250,000~~ per seat for bodily injury or death in a single occurrence; and

(2) ^{\$200,000} ~~\$25,000~~ for property damage in a single occurrence.

(b) Evidence of security required under (a) of this section shall be filed with the department and must be

(1) a policy or certificate of insurance issued by an insurer acceptable to the department; or

(2) a bond of a surety company licensed to write surety bonds in the state; or

(3) evidence accepted by the department, showing ability to self-insure; or

(4) other security approved by the department.

(c) The department may authorize department personnel [ENFORCEMENT OFFICERS] to enforce this section and may adopt procedural regulations necessary to implement this section.

9 (d) A policy of insurance, surety bond, or other form of secur-
10 ity may not be cancelled on less than 30 days' written notice to the
11 department. This requirement must be clearly stated in the policy or
12 endorsement for an insurance policy submitted as proof of financial
13 responsibility under AS 42.30.225(a)(1). The 30-day notice period is
14 measured from the date on which the department receives notice.

15 (e) A person who violates (a) of this section is guilty of a
16 class B misdemeanor and is punishable by a fine of not less than \$500
17 or more than \$1,000.

18 * Sec. 4. AS 42.30 is amended by adding new sections to read:

19 Sec. 42.30.225. CERTIFICATION OF COMPLIANCE OF AIR CARRIERS.

20 (a) A person may not use an aircraft in air commerce before obtaining
21 an annual certificate of compliance for that aircraft from the depart-
22 ment. The department shall issue or renew a certificate of compliance
23 upon application and presentation of

24 (1) proof of financial responsibility required under
25 AS 42.30.200;

26 (2) proof of compliance with Federal Aviation Administra-
27 tion requirements, and, where applicable, federal certification for
28 scheduled airline service.

29 (b) The annual fee for a certificate of compliance is \$50. The
1 certificate is valid for a period of 12 months following the date of
2 certification. The certificate shall be displayed on the aircraft so
3 that it is visible to boarding passengers.

9 (c) Use of an aircraft in air commerce before obtaining a cer-
10 tificate of compliance required under (a) of this section may be cause
11 for denial of the certificate.

12 (d) A person who has obtained a certificate to use an aircraft
13 in air commerce from the Alaska Transportation Commission before the
14 effective date of this Act is not required to obtain a certificate of
15 compliance under (a) of this section until the date the insurance
16 policy for the aircraft is renewed.

17 (e) The department may authorize department personnel to enforce
18 this section and may adopt procedural regulations necessary to imple-
19 ment this section.

28 Sec. 42.30.380. DEFINITIONS. (a) In AS 42.30.200 - 42.30.380,
29 (1) "air carrier" means a person undertaking to engage in
1 air commerce, whether directly or indirectly, or by lease, contract,
2 or any other arrangement, and whether over regular or irregular
3 routes;

4 (2) "air commerce" means carriage by aircraft of persons or
5 freight for commercial purposes or hire in intrastate commerce, in-
6 cluding the carriage by aircraft of persons or freight that move
7 partly by aircraft and partly by other forms of transportation.

8 (3) "aircraft" means a propeller or jet-powered device used
9 or designed for flight in the air;

10 (4) "commercial purposes" means activities for which the
11 person receives direct monetary compensation and does not include
12 activities incidental to and done in furtherance of the person's
13 primary business;

14 (5) "department" means the Department of Commerce and
15 Economic Development;

16 (6) "freight" means commodities, articles, and cargo, of
17 whatever nature or value, excluding garbage and trash;

28 * Sec. 5. AS 44.33.020 is amended by adding a new paragraph to read:

29 (27) implement the safety and financial responsibility
1 requirements for ~~motor vehicles and~~ air carriers under AS 42.30.200 -
2 42.30.380.

3 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE CONFERENCE COMMITTEE

2 CONFERENCE CS FOR HOUSE BILL NO. 133

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to transportation safety and finan-
7 cial responsibility; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 28.10.041(a) is amended by adding a new paragraph to
11 read:

12 (9) the vehicle is without a certificate of inspection
13 required under AS 28.32.010.

14 * Sec. 2. AS 28.15.041 is amended by adding a new subsection to read:

15 (c) A person may not drive a commercial motor vehicle until the
16 person applies for and is issued a license for that purpose under (a)
17 of this section. The department may not issue a license under this
18 subsection unless the applicant is at least 19 years of age, has held
19 a valid driver's license at least one year, and has successfully
20 completed all required driving tests and written and physical examina-
21 tions. In this subsection, "commercial motor vehicle" has the meaning
22 given in AS 28.32.900.

23 * Sec. 3. AS 28 is amended by adding a new chapter to read:

24 CHAPTER 32. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS.

25 Sec. 28.32.010. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS. A
26 commercial motor vehicle may not be operated after January 1, 1986
27 without a certificate of inspection. An owner of a commercial motor
28 vehicle shall renew a certificate of inspection at least semi-annually
29 at an official inspection station under AS 28.32.030. The owner may

1 renew a certificate of inspection at any time during the office hours
2 of the inspection station. An owner of a commercial motor vehicle
3 shall display a current sticker of inspection visible from outside the
4 vehicle in a location determined by the division.

5 Sec. 28.32.020. EXEMPTIONS. A commercial motor vehicle is
6 exempt from the requirements of AS 28.32.010 if it is

7 (1) owned and operated by the federal government unless the
8 vehicle is used to transport property of the general public for com-
9 pensation in competition with other persons who own or operate a
10 commercial motor vehicle subject to this chapter, and except to the
11 extent regulation of vehicles operated by the federal government is
12 permitted by federal law;

13 (2) used exclusively to transport ranch and farm products
14 other than bulk milk; or

15 (3) customarily and historically used for commercial
16 purposes for less than 20 hours per month.

17 Sec. 28.32.030. OFFICIAL COMMERCIAL MOTOR VEHICLE INSPECTION
18 STATIONS. (a) A person may not operate an official commercial motor
19 vehicle inspection station without a permit from the division. The
20 division shall approve an application for permit to operate an in-
21 spection station if

22 (1) the division determines the inspection station has
23 proper equipment and competent personnel; and

24 (2) a commercial motor vehicle inspector certified under
25 AS 28.32.040 is employed at the inspection station.

26 (b) After the division approves an application for a permit to
27 operate an official inspection station under (a) of this section, it
28 shall provide the applicant with a permit and certificates of inspec-
29 tion.

1 (c) Upon receipt of a permit from the division under (b) of this
2 section, the operator of an official commercial motor vehicle inspec-
3 tion station shall post the permit in a conspicuous place at the
4 location designated by the division.

5 (d) The division may enter the premises of the operator of an
6 official commercial motor vehicle inspection station during the
7 station's business hours to inspect the work of a certified commercial
8 motor vehicle inspector or to determine if the operator continues to
9 meet the requirements of this section.

10 (e) The division shall suspend or revoke a permit of an operator
11 of an official commercial motor vehicle inspection station if the
12 operator fails to meet the requirements of this section.

13 (f) Upon notice of suspension or revocation of a permit under
14 (e) of this section, the operator of an official commercial motor
15 vehicle inspection station shall immediately terminate all inspection
16 activities and, on demand by the division, return the permit and all
17 unissued certificates of inspection. The division shall issue a
18 receipt for all returned certificates of inspection.

19 (g) If a permit is suspended or revoked under (e) of this sec-
20 tion, the division shall give the holder of the permit a hearing
21 within 10 days after receipt of a written request filed with the
22 division within 30 days after suspension or revocation.

23 (h) A permit to operate an official commercial motor vehicle
24 inspection station may not be assigned, transferred, or used at a
25 location other than the location designated by the division.

26 Sec. 28.32.040. CERTIFICATION OF COMMERCIAL MOTOR VEHICLE IN-
27 SPECTORS. (a) A person may not conduct a commercial motor vehicle
28 inspection at an official inspection station under AS 28.32.030 unless
29 certified as a commercial motor vehicle inspector by the division.

1 (b) The division may suspend or revoke the certification issued
2 to a commercial motor vehicle inspector under (a) of this section if
3 the commercial motor vehicle inspector improperly conducts inspections
4 or fails to comply with a provision of this section.

5 (c) If a certificate is revoked or suspended under (b) of this
6 section the division shall give a commercial motor vehicle inspector a
7 hearing within 10 days after the receipt of a written request filed
8 with the commissioner within 30 days after revocation or suspension.

9 Sec. 28.32.050. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A
10 person operating an official commercial motor vehicle inspection
11 station shall issue a certificate of inspection to the owner of a
12 commercial motor vehicle after determining that the commercial motor
13 vehicle is in a safe and mechanically sound condition.

14 (b) A person operating an official commercial motor vehicle
15 inspection station shall keep a record of each inspection performed at
16 the station. The division may audit the records of an official in-
17 spection station at any time.

18 Sec. 28.32.060. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.

19 (a) A person may not represent a place as an official commercial
20 motor vehicle inspection station unless the station is operating under
21 a valid permit issued by the division under AS 28.32.030.

22 (b) A person may not issue a certificate of inspection under
23 AS 28.32.050 unless the person holds a valid permit under AS 28.-
24 32.030.

25 Sec. 28.32.070. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A
26 person may not make, issue, or knowingly use an imitation or counter-
27 feit of an official certificate of inspection.

28 (b) A person may not knowingly display or issue a certificate
29 of inspection on a commercial motor vehicle unless the commercial

motor vehicle has met the requirements of AS 28.32.050(a).

Sec. 28.32.080. DUTIES OF COMMISSIONER. The commissioner of public safety shall adopt procedural regulations appropriate to achieve compatibility with other western states and procedural regulations necessary to implement this chapter.

Sec. 28.32.090. VIOLATION A MISDEMEANOR. A person who violates a provision of this chapter is guilty of a class B misdemeanor.

Sec. 28.32.900. DEFINITIONS. In this chapter,

(1) "commercial motor vehicle" means a vehicle used by the owner or another person for commercial purposes upon a highway or vehicular way with a daily traffic volume greater than 499 that is a part of the state highway system or is connected by another highway or vehicular way to the state highway system, if the vehicle is

(A) a school bus;

(B) a state or local government vehicle of more than 10,000 pounds unladen gross weight;

(C) a truck or bus of more than 10,000 pounds unladen gross weight; or

(D) a trailer of 5,000 pounds or more unladen gross weight attached to a vehicle described in (C) of this paragraph;

(2) "commercial purposes" means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation but are incidental to and done in furtherance of the person's primary business;

(3) "division" means the division of motor vehicles, Department of Public Safety.

* Sec. 4. AS 28 is amended by adding a new chapter to read:

CHAPTER 33. COMMERCIAL MOTOR VEHICLE FINANCIAL RESPONSIBILITY.

Sec. 28.33.010. FINANCIAL RESPONSIBILITY. (a) A person who

carries passengers or freight for hire intrastate in a commercial motor vehicle or a person who carries freight in a motor vehicle for commercial purposes, or a person who rents or leases a motor vehicle for the use of another to carry freight shall procure and maintain security in the following minimum amounts:

- (1) \$200,000 for property damage in a single occurrence;
- (2) \$500,000 for bodily injury or death in a single occurrence.

(b) Evidence of security required under (a) of this section shall be filed with the department and must be

(1) a policy or certificate of insurance issued by an insurer acceptable to the department; or

(2) a bond of a surety company licensed to write surety bonds in the state; or

(3) evidence accepted by the department, showing ability to self-insure; or

(4) other security approved by the department.

(c) The department may authorize department personnel to enforce this section and may adopt procedural regulations necessary to implement this section.

(d) A policy of insurance, surety bond, or other form of security may not be cancelled on less than 30 days' written notice to the department. This requirement must be clearly stated in the policy or endorsement for an insurance policy submitted as proof of financial responsibility under AS 42.30.225(a)(1). The 30-day notice period is measured from the date on which the department receives notice.

(e) A person who violates (a) of this section is guilty of a class B misdemeanor and is punishable by a fine of not less than \$500 or more than \$1,000.

(f) In this section "freight" means commodities, articles, and cargo, of whatever nature or value.

* Sec. 5. AS 42.30.200 is amended to read:

Sec. 42.30.200. AIR CARRIER FINANCIAL RESPONSIBILITY. (a) A person who carries passengers or freight for commercial purposes [HIRE] intrastate in an aircraft shall procure and maintain security in the following minimum amounts:

(1) \$150,000 per seat for bodily injury or death in a single occurrence; and

(2) \$100,000 for property damage in a single occurrence [AN AMOUNT DETERMINED BY THE DEPARTMENT OF PUBLIC SAFETY AS NECESSARY FOR THE REASONABLE PROTECTION OF THE PUBLIC AGAINST DAMAGES OR INJURY CAUSED BY THE PERSON].

(b) Evidence of security required under (a) of this section shall be filed with the department and must be

(1) a policy or certificate of insurance issued by an insurer acceptable to the department; or

(2) a bond of a surety company licensed to write surety bonds in the state; or

(3) evidence accepted by the department, showing ability to self-insure; or

(4) other security approved by the department.

(c) The department may authorize department personnel [ENFORCEMENT OFFICERS] to enforce this section and may adopt procedural regulations necessary to implement this section.

* Sec. 6. AS 42.30.200 is amended by adding new subsections to read:

(d) A policy of insurance, surety bond, or other form of security may not be cancelled on less than 30 days' written notice to the department. This requirement must be clearly stated in the policy or

endorsement for an insurance policy submitted as proof of financial responsibility under AS 42.30.225(a)(1). The 30-day notice period is measured from the date on which the department receives notice.

(e) A person who violates (a) of this section is guilty of a class B misdemeanor and is punishable by a fine of not less than \$500 or more than \$1,000.

* Sec. 7. AS 42.30 is amended by adding new sections to read:

Sec. 42.30.225. CERTIFICATION OF COMPLIANCE OF AIR CARRIERS.

(a) A person may not use an aircraft in air commerce before obtaining an annual certificate of compliance for that aircraft from the department. The department shall issue or renew a certificate of compliance upon application and presentation of

(1) proof of financial responsibility required under AS 42.30.200;

(2) proof of compliance with Federal Aviation Administration requirements, and, where applicable, federal certification for scheduled airline service.

(b) The annual fee for a certificate of compliance is \$50. The certificate is valid for a period of 12 months following the date of certification. The certificate shall be displayed on the aircraft so that it is visible to boarding passengers.

(c) Use of an aircraft in air commerce before obtaining a certificate of compliance required under (a) of this section may be cause for denial of the certificate.

(d) A person who has obtained a certificate to use an aircraft in air commerce from the Alaska Transportation Commission before the effective date of this Act is not required to obtain a certificate of compliance under (a) of this section until the date the insurance policy for the aircraft is renewed.

(e) The department may authorize department personnel to enforce this section and may adopt procedural regulations necessary to implement this section.

Sec. 42.30.380. DEFINITIONS. (a) In AS 42.30.200 - 42.30.380,

(1) "air carrier" means a person undertaking to engage in air commerce, whether directly or indirectly, or by lease, contract, or any other arrangement, and whether over regular or irregular routes;

(2) "air commerce" means carriage by aircraft of persons or freight for commercial purposes or hire in intrastate commerce, including the carriage by aircraft of persons or freight that move partly by aircraft and partly by other forms of transportation;

(3) "aircraft" means a propeller or jet-powered device used or designed for flight in the air;

(4) "commercial purposes" means activities for which the person receives direct monetary compensation and does not include activities incidental to and done in furtherance of the person's primary business;

(5) "department" means the Department of Commerce and Economic Development;

(6) "freight" means commodities, articles, and cargo, of whatever nature or value, excluding garbage and trash.

* Sec. 8. AS 44.33.020 is amended by adding a new paragraph to read:

(27) implement the safety and financial responsibility requirements for air carriers under AS 42.30.200 - 42.30.380.

* Sec. 9. This Act takes effect immediately in accordance with AS 01.-10.070(c).

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: _____

REQUEST Page 1 of 2

FISCAL DETAIL

Bill/Resolution No.: CSHB133 (Fin) Agency Affected: Dept. Commerce & Ec. Devel

Title: An Act relating to trans. Program Category Affected: Consumer Protection

safety and financial responsibility

Sponsor: _____ BRU, Program or Subprogram(s) Affected:

Requestor: _____ Measurement Standards

Date of Request: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-				

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	-0-	110.1				
---------	-----	-------	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-				
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

see attachment

Prepared By: HFC Subcommittee on CSHB 133 Phone: 465-3709
 Division: _____ Date: _____

Approved by Commissioner: _____ Date: 3-18-85
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

ZERO FISCAL NOTE & ANALYSIS

House Finance Subcommittee Analysis:

No additional General Funds are authorized to implement the duties required of the Division of Measurement Standards by this bill.

The Division of Measurement Standards currently has 39 permanent full-time positions and 9 permanent part-time positions.

The original fiscal note for HB 133, prepared by the Department, estimated 1986 cost to implement the provisions of the bill at \$110.1. Specifically, the Division will be responsible under this bill for receiving the carriers' proof of insurance and proof of FAA certification then issuing a certification that the carrier has complied with this section. It is estimated that between 225 and 250 intra-state carriers will be affected by this bill. The Division's operating budget is sufficient to absorb the additional cost.

Page 2 paragraph (f), line 18 requires the department to charge and collect fees necessary to implement this section. In accordance with this section, the department will collect costs incurred in connection with this program from the air carriers affected (estimated by the department at \$110.1). This revenue will be deposited in the General Fund.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 364 (Trans)
 Title: "Commercial Motor Vehicle
 Licensing/Inspections"
 Sponsor: Transportation Comm.
 Requestor: Transportation Comm.
 Date of Request: 04/23/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Police Protection
 BRU, Program or Subprogram(s) Affected: Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		111.3	116.9	122.7	128.8	135.2
200 TRAVEL		27.0	28.4	29.8	31.3	32.9
300 CONTRACTUAL		30.3	31.8	33.4	35.1	36.9
400 SUPPLIES		3.5	3.7	3.9	4.1	4.3
500 EQUIPMENT		38.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		210.1	180.8	189.8	199.3	209.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		210.1	180.8	189.8	199.3	209.3
FEDERAL FUNDS						
OTHER						
TOTAL		210.1	180.8	189.8	199.3	209.3

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Marcia Lynn McKenzie
 Division: Administrative Services
 Approved by Commissioner: Robert J. Sundberg
 Agency: Public Safety

Phone: 465-4349
 Date: 04/23/85
 Date: 4/23/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

COST ANALYSIS

CSHB 364 (Transportation)

Personal Services

1	Vehicle Inspection Agent I (Anchorage)	39.0
1	Vehicle Inspection Agent I (Fairbanks)	44.5
1	Clerk-Typist III (Anchorage)	<u>27.8</u>

3 positions	Total	\$111.3
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Travel

Quarterly on-site monitoring of inspection stations statewide		27.0
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Contractual Services

Telephone and postage	\$ 6.0
Office equipment maintenance agreement	2.5
Printing of special forms	5.0
2 HWCF vehicles @ \$700/month per vehicle	<u>16.8</u>

Total	30.3
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Supplies

Office supplies	\$3.0
Automotive parts & lube, etc.	<u>.5</u>

Total	3.5
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Equipment

Personal computer	\$12.5
2 HWCF vehicles	24.0
Office equipment (desks, chairs, files, etc.)	<u>1.5</u>

Total	38.0
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Grand Total	<u>\$210.1</u>
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Note: A 5% annual inflation factor has been applied to costs for FY 87 and beyond.

Cost Analysis
CSHB 364 (Transportation)
Page 2

Revenues

Revenues have not been estimated because there is no specific provision in the bill for license fees which might be charged to operators of commercial vehicle inspection stations. It is possible, however, that a fee could be imposed through administrative regulation. Such fees would be collected and deposited into the General Fund.

If such fees are imposed there would be an impact of accounting responsibilities. Therefore, the Clerk-Typist position should be upgraded to Administrative Assistant I in order to handle both clerical and accounting applications.

1.	POSITION TITLE Clerk Typist III				RANGE/STEP 8/B	BARG. UNIT G	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1		2		3					
	PERSONAL SERVICES									
5.	Salary \$1678/month		20,136							
6.	Benefits 18.0577%		3,636							
7.	Supplemental Benefits		1,234							
8.	Fixed Benefits		2,732							
9.	TOTAL PERSONAL SERVICES		01		27,738					
10.	Travel		02							
11.	Contractual		03		2,000					
12.	Commodities		04		1,000					
13.	Equipment		05		800					
14.	Other									
15.	TOTAL COST				31,538					
	RECEIPT CODE		FUNDING SOURCE							
16.			Federal Receipts 1002							
17.			G.F. Match 1003							
18.			General Funds 1004		31.5					
19.			I-A Receipts 1005							
20.			Program Receipts 1028							
21.			Other							
FOR B&M USE ONLY										
KEY NUMBER _____										

This position will provide clerical support to the unit monitoring commercial vehicle inspection stations. It will be responsible for preparation of certificates of compliance, correspondence, and maintenance of central files and records.

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
PROGRAM Life & Property Protection
BRU Division of Motor Vehicles
COMPONENT Commercial Vehicle Safety

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Revised Date _____

FY 86

1.	POSITION TITLE Vehicle Inspection Agent I				RANGE/STEP 14/B	BARG. UNIT G	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1			2			3			
	PERSONAL SERVICES									
5.	Salary	\$2804/month		33,648						
6.	Benefits			6,076						
7.	Supplemental Benefits			2,063						
8.	Fixed Benefits			2,732						
9.	TOTAL PERSONAL SERVICES			01	44,519					
10.	Travel			02	12,000					
11.	Contractual			03	10,400					
12.	Commodities			04	1,000					
13.	Equipment			05	12,350					
14.	Other									
15.	TOTAL COST			80,269						
RECEIPT CODE										
FUNDING SOURCE										
16.				Federal Receipts	1002					
17.				G.F. Match	1003					
18.				General Funds	1004	80.3				
19.				I-A Receipts	1005					
20.				Program Receipts	1028					
21.				Other						
FOR B&H USE ONLY										
KEY NUMBER _____										

This is a new job class. Duties will include on-site monitoring of commercial vehicle inspection stations operated by the private sector. The position will be responsible to determine if the stations are properly equipped to perform the vehicle inspections and will evaluate/certify mechanics assigned to commercial vehicle inspections. Part of the station review will include an audit of files to ensure compliance and accountability

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
PROGRAM Life & Property Protection
BRU Division of Motor Vehicles
COMPONENT Commercial Vehicle Safety

FY 86

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Revised Date

1.	POSITION TITLE Vehicle Inspection Agent I				RANGE/STEP 14/B	BARG. UNIT G	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This is a new job class. Duties will include on-site monitoring of commercial vehicle inspection stations operated by the private sector. The position will be responsible to determine if the stations are properly equipped to perform the vehicle inspections and will evaluate/certify mechanics assigned to commercial vehicle inspections. Part of the station review will include an audit of files to ensure compliance and accountability.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	\$2433/month	29,196							
6.	Benefits		5,272							
7.	Supplemental Benefits		1,790							
8.	Fixed Benefits		2,732							
9.	TOTAL PERSONAL SERVICES		01	38,990						
10.	Travel		02	15,000						
11.	Contractual		03	10,400						
12.	Commodities		04	1,000						
13.	Equipment		05	12,350						
14.	Other									
15.	TOTAL COST			77,740						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		77.7						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
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REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
PROGRAM Life & Property Protection
BRU Division of Motor Vehicles
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FY 86

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

April 11, 1985

The Honorable Bette Cato
Chair, House Transportation Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Cato:

This is in response to the House Transportation Committee's Work Draft Bill related to commercial vehicle inspections, and addresses management and costs should those regulatory functions be placed in the Department of Public Safety.

Since the House previously passed legislation separating the management of mandatory insurance for commercial transportation entities, in that commercial air went to the Department of Commerce and commercial vehicles to this Department, we have incorporated the management and related costs of insurance handling of commercial vehicles in this dissertation.

As to the management, both functions would be placed in the Division of Motor Vehicles and would be handled by civilian personnel. Even at that, no one should be deluded to the fact that State Troopers and/or local law enforcement personnel will be involved in road enforcement aspects related to the requirements of safety inspections. This is a fact no matter which department the management of the noted functions fall under.

The estimated first year costs of operating the commercial vehicle safety and insurance functions are as follows:

Personnel: \$245.3

5 Inspection Station Monitors
1 Clerk V
1 Clerk Typist III

The inspection station monitors would include three for the Anchorage, Mat-su, and Kenai areas; one of which would be a working manager for the unit. One monitor

The Honorable
Bette Cato

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April 11, 1985

for the Fairbanks, Northpole, and Prudhoe areas, and one monitor for the Southeastern area.

The Clerk V would handle the insurance desk.

The Clerk Typist III would provide back-up support for the insurance desk as well as clerical support for both insurance and inspection activities.

Travel: \$38.0

Necessary travel/per diem costs for the monitors to cover the various inspection stations across the State.

Contractual: \$67.5

Highway working capital fund replacement, office space, telephone, utilities, printing, postage, janitorial, and office equipment rental and repair.

Supplies: \$3.5

Office supplies, fuel, lubes, and parts.

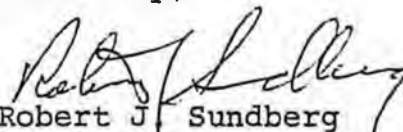
Equipment: \$87.5

Five vehicles with radios, office furniture, and personal computer.

Total: \$441.8

If this Department can be of any further assistance in this matter, please feel free to contact us.

Sincerely,


Robert J. Sundberg
Commissioner