

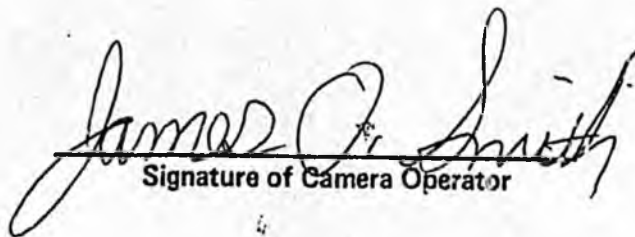
ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

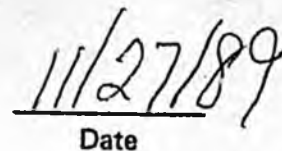
4398 STRA SB 103 (FILE 4) - SB 114



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

SB

103

File 4

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

3/26/85

Date APRIL 8, 1985

Mr. President

The Committee on TRANSPORTATION considered CSHB 133(Fin) am
transportation safety and financial responsibility; efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for CSHB 133 (TRANS)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Paul Givick
Joe Josephson

MEMBERS HAVING
OTHER RECOMMENDATIONS

Walter Wood
John ...

Chairman
Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: FISCAL

1/29/85

Date _____

Mr. President

The Committee on TRANSPORTATION considered SP 103

providing authority for the Department of Public Safety to regulate safety of motor carrier and air carrier operations; etc.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
 new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Alaska State Legislature

SENATOR
JOHN B. "JACK" COGHILL
Chairman

Senator Jan Falks—Vice Chairman
Senator Mitch Ahoon
Senator Paul Fischer
Senator Joe Josephson

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4921

Senate Committee on MEMORANDUM Transportation

To: Committee members
From: Committee staff
Date: February 20, 1985
Re: Proposed amendments for CSSB 103

Attached are a group of amendments which will be discussed at this afternoon's meeting on SB 103, along with pertinent background materials and statements. The chairman would like to move as expeditiously as possible on these proposed changes, many of which were discussed in concept at last week's meeting on SB 103. As you will recall, the committee adopted the draft cs last week as our working document, so these amendments are keyed to that draft (also attached).

There may be an additional amendment or two coming, specifically one which will define "for commercial purposes" as used in amendment number xx1.

Additionally, we have included a copy of the proposed letter of intent, which now also covers an inquiry into the Essential Air Service problem.

Finally, we have included a copy of the fiscal note for the cs as we received it yesterday from the department of commerce and economic development. It includes all of their back-up material.

PROPOSED

LETTER OF INTENT

To Accompany SB 103

It is the intent of the Legislature that a study be undertaken by legislative staff to determine 1.) the effects of deregulation on air transportation service to the bush, and what measures, if any, the Legislature ought to address to ensure a minimally acceptable level of service to those areas of the state; 2.) the effects of early phase-out of the 406 Essential Air Service subsidies by the federal government on air service to rural Alaska; 3.) 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; 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.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 103
 Title: An Act . . . to regulate safety
of motor carriers
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
 Program Category Affected: _____
Public Safety
 BRU, Program or Subprogram(s) Affected: _____
 Division of Measurement Standards

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	128.5	338.5				
200 TRAVEL	10.0	30.0				
300 CONTRACTUAL	55.0	40.8				
400 SUPPLIES	2.5	3.5				
500 EQUIPMENT	15.0	8.0				
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
900 MISCELLANEOUS						
TOTAL OPERATING	211.0	420.8				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	211.0	420.8				
FEDERAL FUNDS						
OTHER						
TOTAL	211.0	420.8				

POSITIONS:

FULL-TIME	7	7				
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached.

Prepared By: Joseph L. Swanson, Director
 Division: Measurement Standards
 Approved by Commissioner: Loren H. Lounsbury
 Agency: Commerce and Economic Development

Phone: 345-7750
 Date: 2/17/85
 Date: 2/19/85

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

7/1/84

SB 103
ANALYSIS

ASSUMPTIONS

This analysis was prepared with the understanding that the intent of the bill was to establish regulations and procedures to:

1. Administer the financial responsibility provisions of AS 42.30.200 - 42.30.225.
2. Administer the motor vehicle safety inspection program to be performed by private industry.

PROGRAM SUMMARY

1. Positions

New Positions: 1 Administrative Officer I
 2 Administrative Assistants I
 3 Clerk Typists III

Existing Positions: Convert 5 existing seasonal weigh station operators to permanent full-time employees.

2. Other expenditures

Travel: Funds were included to provide for travel for remote locations to verify adherence to the provisions of AS 42.30 and to participate in the annual Commercial Vehicle Safety Alliance (CVSA) conference.

Contractual Services: The listed funds are required to cover the costs for communications, printing forms, certificates of compliance, certificates of inspection, permits to operate, inspection certifications, and regulations and procedures; maintenance of agency equipment, vehicle costs, and equipment rental.

Commodities: Specified costs are for operating supplies.

Equipment: Costs are for the acquisition of computer terminals and replacement of existing equipment.

3. The funding projections were based upon the assumption that the following equipment be transferred from the Alaska Transportation Commission:

- Wang word/data processing system with associated work stations and printer.
- telex/telecopier equipment
- typewriters
- file cabinets
- book cases
- vehicles
- desks and chairs
- copy machine

It is essential that this equipment be transferred in order for the program to function effectively for the above stated costs.

1.	POSITION TITLE ADMINISTRATIVE OFFICER I			
2.	TYPE OF POSITION PFT	STAFF MONTHS 3	RP NUMBER	PCN NUMBER
3.	CONTINUATION LEVEL		ADDITION	XX
4.	TYPE OF EMPLOYMENT			Allocation
	1	/ 2		3
	PERSONAL SERVICES			
5.	Salary	8,439		
6.	Benefits	985		
7.	Supplemental Benefits	517		
8.	Fixed Benefits	1,052		
9.	TOTAL PERSONAL SERVICES	01		11.0
10.	Travel	02		10.0
11.	Contractual	03		55.0
12.	Commodities	04		2.5
13.	Equipment	05		15.0
14.	Other			
15.	TOTAL COST			93.5

RANGE/STEP 17A	DARG. UNIT S	PAGE/LINE	COY.	APPROV.	DISAP.
BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.		

JUSTIFICATION

This position will be responsible for supervising the administrative center of the division which will include the new statewide financial responsibility and safety programs and incorporate the existing permit program for cross-utilization of personnel.

The responsibilities will include drafting recommended procedures, monitoring program activities, analyzing results, developing corrective procedures, and reporting results to the agency head.

The position will be required to assist in the development of the regulations drafted to administer the programs and will supervise their implementation. The implementation will entail establishing and maintaining cooperative working relationship with the regulated industries, other governmental agencies, and our department. The position will also be responsible for developing and maintaining the information necessary to evaluate the results of the programs.

RECEIPT CODE	FUNDING SOURCE	
16.	Federal Receipts 1002	
17.	G.F. Match 1003	
18.	General Funds 1004	
19.	I-A Receipts 1005	93.5
20.	Program Receipts 1028	
21.	Other	

FOR BSM USE ONLY
KEY NUMBER _____

**REQUEST FOR
NEW POSITION**

AGENCY Commerce & Economic Development

PROGRAM _____

BRU _____

COMPONENT _____

Page _____ of _____

Revised Date _____

FY 86

1.	POSITION TITLE ADMINISTRATIVE ASSISTANT I				RANGE/STEP 12A	DARG. UNIT G	PAGE/LINE	COV.	APPROV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 6	RP NUMBER	PCH NUMBER	BRIJ PRIORITY	LOCATION EBA	ELECTION DISTRICT 7	LEG.		
3.	CONTINUATION LEVEL				ADDITION		AA			
4.	TYPE OF EXPENDITURE				ALLOTMENT					
	PERSONAL SERVICES		1		2		3			
5.	Salary		11,838							
6.	Benefits		1,740							
7.	Supplemental Benefits		726							
8.	Fixed Benefits		1,476							
9.	TOTAL PERSONAL SERVICES		01	15.8						
10.	Travel		02	-0-						
11.	Contractual		03	-0-						
12.	Commodities		04	-0-						
13.	Equipment		05	-0-						
14.	Other									
15.	TOTAL COST			15.8						
FUNDING SOURCE										
16.	RECEIPT CODE	FEDERAL RECEIPTS		1002						
17.		C.F. Hatch		1003						
18.		General Funds		1004	15.8					
19.		I-A Receipts		1005						
20.		Program Receipts		1020						
21.		Other								

JUSTIFICATION
 These two positions will function as the working supervisors of the financial responsibility and motor vehicle safety programs. As such, they will ensure adherence to established procedures and will be responsible for monitoring the results produced and collect data and prepare reports for management's use. They will be required to be aware of industry needs and recommend improved procedures to achieve the stated goals and objectives in an efficient and cost effective manner. As the working supervisors, they will be the initial contact person for the regulated industries when problems arise. A great deal of judgment and tact will have to be exercised to achieve the desired results with minimum disruption of the effected agencies.

FOR BSM USE ONLY
 KEY NUMBER _____

**REQUEST FOR
 NEW POSITION**

AGENCY Commerce & Economic Development
 PROGRAM _____
 BRIJ _____
 COMPONENT _____

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 Revised Date _____

FY 86

FY '85

1.	POSITION TITLE CLERK TYPIST III				RANGE/STEP	UARG UNIT 8A	G PAGE/LINE	COY.	APPROV.	DISAP.	
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.			
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	ADDITION XX				<p>These four positions will be responsible for reviewing and processing the various documents required to administer the financial responsibility and motor vehicle safety programs. The duties will include responding to requests for program requirements information, applications, updating agency records to reflect current status of regulated agencies, and processing program information reports. These personnel will be assisting industry, wherever necessary in complying with the provisions of appropriate statutes and regulations.</p>						
Type of Expenditure				Amount							
1				3							
PERSONAL SERVICES											
5.	Salary	18,636									
6.	Benefits	3,321									
7.	Supplemental Benefits	1,142									
8.	Fixed Benefits	2,324									
9.	TOTAL PERSONAL SERVICES	01		25.4							
10.	Travel	02		-0-							
11.	Contractual	03		-0-							
12.	Commodities	04		-0-							
13.	Equipment	05		-0-							
14.	Other										
15.	TOTAL COST			25.4							
RECEIPT CODE				FUNDING SOURCE							
16.		Federal Receipts 1002									
17.		G.F. Hatch 1003									
18.		General Funds 1004		25.4							
19.		I-A Receipts 1005									
20.		Program Receipts 1028									
21.		Other									
FOR BSM USE ONLY											
KEY NUMBER											

REQUEST FOR
NEW POSITION

AGENCY Commerce & Economic Development

PROGRAM _____

BRU _____

COMPONENT _____

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Revised Date _____

FY 86

1.	POSITION TITLE WEIGH STATION OPERATOR I	RANGE/STEP 12	DARG. UNIT G	PAGE/LINE	COY.	APPROV.	DISAPY.												
2.	TYPE OF POSITION PFT	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT												
3.	CONTINUATION LEVEL				JUSTIFICATION														
4.	ADDITION				<p>This proposal entails changing the status of five existing positions from permanent part-time (seasonal) to permanent full-time.</p> <p>These seasonal positions are presently authorized for an average of four months each to operate the fixed weigh stations during the spring and summer peak truck traffic periods.</p> <p>We recommend changing the status of the positions to PFT in FY '85, but not funding the positions until FY '86. This will allow an appropriate amount of time to establish the safety program and initiate the procedures that will generate the workload for these positions.</p> <p>The inspectors will be located as follows:</p> <table style="margin-left: 40px;"> <tr> <td>PCN</td> <td>LOCATION</td> </tr> <tr> <td>085074</td> <td>Fairbanks</td> </tr> <tr> <td>085078</td> <td>Fairbanks</td> </tr> <tr> <td>085079</td> <td>Sterling</td> </tr> <tr> <td>085080</td> <td>Anchorage</td> </tr> <tr> <td>08-5088</td> <td>Anchorage</td> </tr> </table> <p>The inspectors will continue to operate the fixed weigh stations during peak traffic periods and will be used to monitor the motor vehicle safety program through field verification of inspection stations and inspection personnel.</p>			PCN	LOCATION	085074	Fairbanks	085078	Fairbanks	085079	Sterling	085080	Anchorage	08-5088	Anchorage
PCN	LOCATION																		
085074	Fairbanks																		
085078	Fairbanks																		
085079	Sterling																		
085080	Anchorage																		
08-5088	Anchorage																		
5.	Type of Expenditure							Amount											
6.	PERSONAL SERVICES							1 / 2 3											
7.	Salary																		
8.	Benefits																		
9.	Supplemental Benefits																		
10.	Fixed Benefits																		
11.	TOTAL PERSONAL SERVICES	01						-0-											
12.	Travel	02						-0-											
13.	Contractual	03			-0-														
14.	Commodities	04			-0-														
15.	Equipment	05			-0-														
16.	Other				-0-														
17.	TOTAL COST				-0-														
18.	RECEIPT CODE	FUNDING SOURCE																	
19.		Federal Receipts 1002																	
20.		G.F. Hatch 1003																	
21.		General Funds 1004																	
22.		I-A Receipts 1005																	
23.		Program Receipts 1028																	
24.		Other																	
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FOR BSM USE ONLY
KEY NUMBER _____

REQUEST FOR
NEW POSITION

AGENCY Commerce & Economic Development

PROGRAM _____

BRU _____

COMPONENT _____

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Revised Date _____

FY 86

1.	POSITION TITLE ADMINISTRATIVE OFFICER I				RANGE/STEP 17A	ORG. UNIT S	PAGE/LINE	CON.	APPROV.	DISAPPR.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT 7	LEG.		
3.	CONTINUATION LEVEL XX ADDITION				JUSTIFICATION This position will be responsible for supervising the administrative center of the division which will include the new statewide financial responsibility and safety programs and incorporate the existing permit program for cross-utilization of personnel. The responsibilities will include drafting recommended procedures, monitories program activities, analyzing results, developing corrective procedures, and reporting results to the agency head. The position will be required to assist in the development of the regulations drafted to administer the programs and will supervise their implementation. The implementation will entail establishing and maintaining cooperative working relationship with the regulated industries, other governmental agencies, and our department. The position will also be responsible for developing and maintaining the information necessary to evaluate the results of the programs.					
4.	Type of EXPENDITURE			AMOUNT						
	1		2	3						
	PERSONAL SERVICES									
5.	Salary	35,076								
6.	Benefits	4,374								
7.	Supplemental Benefits	2,150								
8.	Fired Benefits	3,980								
9.	TOTAL PERSONAL SERVICES	01		45.6						
10.	Travel	02		30.0						
11.	Contractual	03		40.8						
12.	Commodities	04		3.5						
13.	Equipment	05		8.0						
14.	Other									
15.	TOTAL COST			127.8						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		C.F. Hatch 1023								
18.		General Funds 1004		127.8						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR BSM USE ONLY KEY NUMBER _____										

REQUEST FOR
NEW POSITION

AGENCY Commerce & Economic Development

PROGRAM _____

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FY 86

1.	POSITION TITLE ADMINISTRATIVE ASSISTANT I				RANGE/STEP 12A	DEPT. UNIT G	PAGE/LINE	COY.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 24	RP NUMBER	PCN NUMBER	DRU PRIORITY	LOCATION EBA	ELECTION DISTRICT 7	LEG.		
3.	CONTINUATION LEVEL XX ADDITION				JUSTIFICATION					
4.	Type of Employment				These two positions will function as the working supervisors of the financial responsibility and motor vehicle safety programs. As such, they will ensure adherence to established procedures and will be responsible for monitoring the results produced and collect data and prepare reports for management's use. They will be required to be aware of industry needs and recommend improved procedures to achieve the stated goals and objectives in an efficient and cost effective manner. As the working supervisors, they will be the initial contact person for the regulated industries when problems arise. A great deal of judgment and tact will have to be exercised to achieve the desired results with minimum disruption of the effected agencies.					
	PERSONAL SERVICES		1	2	Amount					
				3						
5.	Salary		49,728							
6.	Benefits		7,035							
7.	Supplemental Benefits		3,048							
8.	Fixed Benefits		6,201							
9.	TOTAL PERSONAL SERVICES		01	66.0						
10.	Travel		02	-0-						
11.	Contractual		03	-0-						
12.	Commodities		04	-0-						
13.	Equipment		05	-0-						
14.	Other									
15.	TOTAL COST			66.0						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		C.F. Hatch 1003								
18.		General Funds 1004		66.0						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR BEM USE ONLY KEY NUMBER _____										

REQUEST FOR
NEW POSITION

AGENCY Commerce & Economic Development
 PROGRAM _____
 DRU _____
 COMPONENT _____

Page _____ of _____
 Revised Date _____

FY 86

FY '86

1.	POSITION TITLE CLERK TYPIST III				RANGE/STEP	ORG. UNIT 8A	PAGE/LINE G	COV.	APPROV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 48	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT 7	LEG.		
3.	CONTINUATION LEVEL KX ADDITION				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				<p>These four positions will be responsible for reviewing and processing the various documents required to administer the financial responsibility and motor vehicle safety programs. The duties will include responding to requests for program requirements information, applications, updating agency records to reflect current status of regulated agencies, and processing program information reports. These personnel will be assisting industry, wherever necessary in complying with the provisions of appropriate statutes and regulations.</p>					
	PERSONAL SERVICES		1 2	3						
5.	Salary	78,288								
6.	Benefits	13,402								
7.	Supplemental Benefits	4,799								
8.	Fixed Benefits	9,763								
9.	TOTAL PERSONAL SERVICES	01		106.34						
10.	Travel	02		-0-						
11.	Contractual	03		-0-						
12.	Commodities	04		-0-						
13.	Equipment	05		-0-						
14.	Other									
15.	TOTAL COST			106.3						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		C.F. Hatch 1003								
18.		General Funds 1004		106.3						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR BSM USE ONLY KEY NUMBER _____										

REQUEST FOR
NEW POSITION

AGENCY Commerce & Economic Development

PROGRAM _____

BRU _____

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Revised Date _____

FY 86

1.	POSITION TITLE WEIGH STATION OPERATOR I				RANGE/STEP 12	BARG. UNIT G	PAGE/LINE	GOV.	APPROV.	DISAP.												
2.	TYPE OF POSITION PFT	STAFF MONTHS 40	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.														
3.	CONTINUATION LEVEL KX ADDITION				JUSTIFICATION This proposal entails changing the status of five existing positions from permanent part-time (seasonal) to permanent full-time. These seasonal positions are presently authorized for an average of four months each to operate the fixed weigh stations during the spring and summer peak truck traffic periods. We recommend changing the status of the positions to PFT in FY '85, but not funding the positions until FY '86. This will allow an appropriate amount of time to establish the safety program and initiate the procedures that will generate the workload for these positions. The inspectors will be located as follows: <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">PCN</td> <td>LOCATION</td> </tr> <tr> <td>085074</td> <td>Fairbanks</td> </tr> <tr> <td>085078</td> <td>Fairbanks</td> </tr> <tr> <td>085079</td> <td>Sterling</td> </tr> <tr> <td>085080</td> <td>Anchorage</td> </tr> <tr> <td>08-5088</td> <td>Anchorage</td> </tr> </table> The inspectors will continue to operate the fixed weigh stations during peak traffic periods and will be used to monitor the motor vehicle safety program through field verification of inspection stations and inspection personnel.						PCN	LOCATION	085074	Fairbanks	085078	Fairbanks	085079	Sterling	085080	Anchorage	08-5088	Anchorage
PCN	LOCATION																					
085074	Fairbanks																					
085078	Fairbanks																					
085079	Sterling																					
085080	Anchorage																					
08-5088	Anchorage																					
4.	TYPE OF EXPENDITURE			AMOUNT																		
	PERSONAL SERVICES																					
5.	Salary		90,699																			
6.	Benefits		11,547																			
7.	Supplemental Benefits		5,560																			
8.	Fixed Benefits		11,722																			
9.	TOTAL PERSONAL SERVICES			119.5																		
10.	Travel			-0-																		
11.	Contractual			-0-																		
12.	Commodities			-0-																		
13.	Equipment			-0-																		
14.	Other																					
15.	TOTAL COST			119.5																		
	RECEIPT CODE	FUNDING SOURCE																				
16.		Federal Receipts 1002																				
17.		C.F. Hatch 1003																				
18.		General Funds 1004		119.5																		
19.		I-A Receipts 1005																				
20.		Program Receipts 1028																				
21.		Other																				

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KEY NUMBER _____

REQUEST FOR
NEW POSITION

AGENCY Commerce & Economic Development
 PROGRAM _____
 BRU _____
 COMPONENT _____

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Revised Date _____

FY 86

amend sb 103 xx0

PROPOSED AMENDMENT
TO CSSB 103 (Draft)

On page 1, line 13, between the words "following" and "amounts",
Insert the word "minimum"

This amendment was suggested by legal services, and should have been included in the draft in the first place. It would have the effect of allowing a person to have more insurance than is required by the section.

amend sb 103 xx1

PROPOSED AMENDMENT

TO CSSB 103 (Draft)

On page 1, line 12, following the word "intrastate",

Insert the following language:

"or a person who carries freight in a motor vehicle for commercial purposes"

This amendment was suggested by the representative of the trucking association, and would have the effect of requiring the higher insurance or financial responsibility requirements for all trucks engaged in commerce, not just those for hire. Currently "private carriers" are not effected by ATC insurance requirements, and without this amendment trucking activities outside the "for hire" realm would continue to not be required to carry as high a level of insurance as this bill sets. They would, in fact, have only an insurance requirement at the same minimum as automobiles under the recently passed mandatory liability insurance law.

amend sb 103 xx2

PROPOSED AMENDMENT

TO CSSB 103 (Draft)

On page 2, line 8, delete the word "This",

and insert in its place:

"For insurance policies submitted as proof of responsibility
required under AS 42.30.225(a)(1) this"

This amendment was suggested by the air carriers' representative, and would have the effect of allowing current insurance policies, which do not have the 30-day notice language stated in them, to remain in effect until their renewal date. Without this change, a policy-holder would be in violation unless he renewed all policies on the effective date of the Act.

amend sb 103 xx3

PROPOSED AMENDMENT
TO CSSB 103 (Draft)

On Page 2, line 11, and

On Page 7, line 1, delete both occurrences of the word "kncwingly".

This amendment has been suggested in conversations with the administration, and would have the effect of making it possible to prosecute the violations to which the two sections refer. Without the change, the commissioner of public safety says, it would be nearly impossible to prove the violation was knowingly done.

amend sb 103 xx4

PROPOSED AMENDMENT
TO CSSB 103 (Draft)

On page 2, line 19, delete the word "engage"
and insert in its place: "use an aircraft"

This amendment has been suggested by staff, and would have the effect of focussing the requirement for a certificate of compliance on the aircraft, rather than on the air service operation. This would help to clear up any further confusion as to whether the certificates are for individual aircraft or for an entire business.

amend sb 103 xx5

PROPOSED AMENDMENT

TO CSSB 103 (Draft)

On page 2, line 28, following the period (.), insert:

"The annual fee for a certificate of compliance shall be \$50."

This amendment was suggested by the A.G.'s staff, and would have the effect of recapturing some of the revenue which would be lost to the State with the repeal of AS 02.05.090(f). These fees currently range from \$25 to \$600, depending on the size of the aircraft.

amend sb 103 xx6

PROPOSED AMENDMENT
TO CSSB 103 (Draft)

On page 3, line 24, delete the word "in", and insert in its place:

"on the public highways of"

This amendment has been suggested by staff, and would have the effect of clarifying that the vehicle inspection program is intended to cover only vehicles operating on the state's roads.

amend sb 103 xx7

PROPOSED AMENDMENT
TO CSSB 103 (Draft)

On page 3, line 25, following the period (.), insert a new sentence:

"A certificate of vehicle registration may not be issued to a motor vehicle under AS 28.10.041(a)(4) without a current certificate of inspection if the motor vehicle is required to obtain a certificate of inspection under this section."

This amendment has been suggested by staff, and would have the effect of requiring the truck to pass an inspection before the State would either issue or renew the vehicle registration. AS 28.10.041 (a)(4), a copy of which is attached, allows DMV to deny the issuance of a vehicle registration for vehicles it determines to be unsafe. This would provide one more check to ensure the inspections were being done.

(b) At the time of application for registration or renewal of registration, the department shall provide the applicant written information explaining the state's financial responsibility law, the mandatory automobile insurance requirement, and potential penalties for failure to comply with the law. (§ 7 ch 178 SLA 1978; am §§ 4, 17 ch 70 SLA 1984)

Effect of amendments. — The 1984 amendment, effective January 1, 1985, added subsection (b).

Postponed amendments. — Section 17, ch. 70, SLA 1984, effective January 1,

1989, repeals subsection (b).

Collateral references. — 7A Am. Jur. 2d, Automobiles and Highway Traffic, §§ 51 to 54.

60 C.J.S., Motor Vehicles, § 101.

Sec. 28.10.030. Unregistered vehicles. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.031. Temporary permits. (a) When application, accompanied by the proper fee and tax, has been made for the registration of a vehicle, the vehicle may be driven pending the issuance of a certificate of registration by displaying a temporary permit issued by the department.

(b) A licensed vehicle dealer may issue to the purchaser of a vehicle sold by the dealer a temporary permit to drive the vehicle. A permit is effective for a period not to exceed 30 days. The commissioner shall adopt regulations governing the issuance of permits under this section.

(c) A person may not operate a vehicle under an expired permit issued under this section. (§ 7 ch 178 SLA 1978)

Sec. 28.10.040. Registration. [Repealed, § 7 ch 178 SLA 1978.]

Sec. 28.10.041. Grounds for refusing registration. (a) The department may refuse to register a vehicle if

- (1) the application contains a false or fraudulent statement;
- (2) the applicant fails to furnish information required by the department;
- (3) the applicant is not entitled to the issuance of a certificate of title or registration under this chapter;
- (4) the vehicle is determined to be mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in this state;
- (5) the department has reasonable grounds to believe that the vehicle was stolen or fraudulently acquired or that the granting of registration would be a fraud against the rightful owner or other person having a valid lien upon the vehicle;
- (6) the registration of the vehicle has been suspended or revoked for any reason under the laws of this state;
- (7) the required fees, taxes, motor freight carrier fees or bus transportation fees have not been paid;

amend sb 103 xx8

PROPOSED AMENDMENT
TO CSSB 103 (Draft)

On page 3, line 26, delete the word "once" and insert in its place:

"twice"

This amendment has been suggested by the administration and by the trucking association and would have the effect of requiring every truck to be inspected at least twice each year. These groups feel that the safety inspection program would be more effective with this change.

amend sb 103 xx9

PROPOSED AMENDMENT
TO CSSB 103 (Draft)

On page 3, line 27, delete the sentence which reads:

"A certificate of inspection must be carried in the vehicle
for which the certificate of inspection is issued."

This amendment has been suggested by staff and was adopted by the House Transportation Committee and would have the effect of removing an apparent redundancy. The division of measurement standards has indicated that they can get all the information needed on a sticker, and there is no need for a paper certificate to be carried in the cab of the truck.

amend sb 103 xx10

PROPOSED AMENDMENT
TO CSSB 103 (Draft)

On page 5, line 26, through page 6, line 9, delete:

Section 42.30.340 in its entirety.

This amendment was adopted by the House Transportation Committee in its cs, and would have the effect of eliminating the hearing board for appeals to administrative revocations or denials of permits for inspectors and inspection stations. There are less cumbersome ways of dealing with appeals, and the administration has indicated they would prefer to simply appoint a hearing officer - their commissioners are too busy hustling from one board or commission meeting as it is.

amend sb 103 xx11

PROPOSED AMENDMENT
TO CSSB 103 (Draft)

On page 7, line 25, add a new section 4 to read:

"* Sec. 4. Notwithstanding AS 42.30.200(a)(3) enacted by sec. 1 of this Act, until July 1, 1985, a person to whom AS 42.30.200 applies may maintain a minimum security in the amount of \$100,000 per seat for bodily injury or death in a single occurrence if a person operates an aircraft."

And renumber remaining sections accordingly.

This amendment was suggested at the last committee meeting to cover those ATC-authorized air carriers now operating and who are required to have only the \$100,000 per seat minimum. Without a change such as this, on the effective date of the Act, all those air taxi operators would be required to upgrade to \$300,000. An additional concern is that if current charter operators are allowed to continue at the \$100,000 level until their insurance policy must be renewed, new entrants into the market would be at a disadvantage by having to maintain the new, higher level of protection.

amend sb 103 xx13

PROPOSED AMENDMENT
TO CSSB 103 (Draft)

On page 4, line 23, between the words "may" and "enter",
Insert "inspect a motor vehicle or"

This amendment has been suggested by the administration and would have the effect of allowing the department to inspect the work of a State-certified vehicle inspector to determine if the vehicle was indeed safe.

amend sb 103 xx14

PROPOSED AMENDMENT
TO CSSB 103 (Draft)

On page 4, line 3, between the words "regulations" and "necessary",

Insert: "appropriate to achieve reciprocity with other
western states and"

The concept of this amendment has been suggested by the administration, and would have the effect of giving the department some guideline as to inspection standards to adopt. They have suggested that the bill direct the department to adopt current ATC regulations, but it may be a better idea to tie the standards to the Commercial Vehicle Safety Alliance, which many of the western states are adopting, without actually naming the CVSA in the statute.

amend sb 103 xx15

PROPOSED AMENDMENT

TO CSSB 103 (Draft)

On page 7, line 17, add a new subsection (5) to read:

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

*Amend Suggested
by Fairbairn
moved by Flood*

And renumber remaining subsections accordingly.

This amendment is a definition made necessary by amendment number 1 which creates the phrase "for commercial purposes" to include in the financial responsibility section those persons who are now considered "private carriers" by the ATC.

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR SENATE BILL NO. 103 (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 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 42.30.200 is amended to read:

11 Sec. 42.30.200. FINANCIAL RESPONSIBILITY. (a) A person who
12 carries passengers or freight for hire intrastate^{XX)} shall procure and
13 maintain security in the following amounts:
14

15 (1) \$200,000 for property damage in a single occurrence;

16 (2) \$500,000 for bodily injury or death in a single occur-
rence if a person operates a motor vehicle; and

17 (3) \$300,000 per seat for bodily injury or death in a
18 single occurrence if a person operates an aircraft [AN AMOUNT DE-
19 TERMINED BY THE DEPARTMENT OF PUBLIC SAFETY AS NECESSARY FOR THE
20 REASONABLE PROTECTION OF THE PUBLIC AGAINST DAMAGES OR INJURY CAUSED
21 BY THE PERSON].

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

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

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

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

1 (4) other security approved by the department.

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

5 * Sec. 2. AS 42.30.200 is amended by adding new subsections to read:

6 (d) A policy of insurance, surety bond, or other form of secur-
7 ity may not be cancelled on less than 30 days' written notice to the
8 department. ^{XX2} This requirement must be clearly stated in the policy or
9 endorsement. The 30-day notice period is measured from the date on
10 which the department receives notice.

11 (e) A person who ^{XX3} [knowingly] violates (a) of this section is
12 guilty of a class B misdemeanor and is punishable by a fine of not
13 less than \$500 or more than \$1,000.

14 (f) This section applies only to a person who carries passengers
15 or freight for hire in a motor vehicle weighing 10,000 pounds or more,
16 or a propeller or jet-powered aircraft.

17 * Sec. 3. AS 42.30 is amended by adding new sections to read:

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

19 (a) A person may not ^{XX4} [engage] in air commerce without obtaining a
20 certificate of compliance from the department. The department shall
21 issue a certificate of compliance upon application and presentation of

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

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

27 (b) A person who receives a certificate of compliance under (a)
28 of this section shall renew the certificate annually. ^{XX5}

29 (c) Each aircraft owned or leased by a person subject to the

1 provisions of this section must have a certificate of compliance
2 issued by the department before the aircraft is used in air commerce.
3 The certificate is valid for a period of 12 months following the date
4 of certification. The certificate must be displayed on the aircraft
5 so that it is visible to boarding passengers.

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

11 (e) Use of an aircraft in air commerce before obtaining a cer-
12 tificate of compliance required under (a) of this section may be cause
13 for suspension or revocation of the certificate.

14 (f) An air carrier, who before the effective date of this Act,
15 obtained a certificate to operate from the Alaska Transportation
16 Commission, is not required to obtain a certificate of compliance
17 under (a) of this section until the date on which the insurance policy
18 on each aircraft must be renewed.

19 (g) The department may authorize department personnel to enforce
20 this section and may adopt procedural regulations necessary to imple-
21 ment this section.

22 ARTICLE 6. MOTOR VEHICLE SAFETY INSPECTIONS.

23 Sec. 42.30.300. MOTOR VEHICLE SAFETY INSPECTIONS. (a) A motor
24 vehicle may not be operated ^{XX6} [in] this state without a certificate of
25 inspection. ^{XX7} An owner of a motor vehicle shall renew a certificate of
26 inspection at least ^{XX8} [once] a year at an official inspection station
27 under AS 42.30.320. ^{XX9} A certificate of inspection must be carried in
28 the vehicle for which the certificate of inspection is issued. An
29 owner of a motor vehicle shall display a sticker of inspection visible

1 from outside the vehicle in a location determined by the department.

2 (b) The commissioner of commerce and economic development may
3 adopt procedural regulations ¹⁴ necessary to implement this section.

4 Sec. 42.30.310. EXEMPTIONS. A motor vehicle is exempt from the
5 requirements of AS 42.30.300 if it is owned by the government of the
6 United States of America.

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

11 (1) the department determines the inspection station has
12 proper equipment and competent personnel; and .

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

15 (b) After the department approves an application for permit to
16 operate an official inspection station under (a) of this section, it
17 shall provide the applicant with a permit, certificates of inspection,
18 and inspection stickers.

19 (c) Upon receipt of a permit from the department under (c) of
20 this section, the operator of an official inspection station shall
21 post the permit in a conspicuous place at the location designated by
22 the department.

23 (d) The department may ⁽¹³⁾ enter the premises of the operator of an
24 official inspection station at any time to inspect the work of the
25 certified vehicle inspectors under AS 42.30.330 or to determine if the
26 operator continues to meet the requirements of this section.

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

1 (f) Upon notice of suspension or revocation of a permit under:
2 (e) of this section, the operator of an official inspection station
3 shall immediately terminate all inspection activities, and on demand
4 by the department, return the permit and all certificates of inspection.
5 The department shall issue a receipt for all unused certificates
6 of inspection.

7 (g) If a permit is suspended or revoked under (e) of this section,
8 the department shall give an operator of an official inspection
9 station a hearing, upon written request filed with the department
10 within 10 days after suspension or revocation.

11 (h) A permit to operate an official inspection station may not
12 be assigned, transferred, or used at a location other than the location
13 designated by the department.

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

18 (b) The department may suspend the certification issued to a
19 vehicle inspector under (a) of this section if the vehicle inspector
20 improperly conducted inspections or failed to comply with a provision
21 of this section or regulations adopted under it.

22 (c) If a certificate is denied or suspended under (b) of this
23 section the department shall give a vehicle inspector a hearing upon
24 written request filed with the commissioner within 10 days after
25 denial or suspension.

26 ~~XX10~~ Sec. 42.30.340. HEARING BOARD. (a) There is created in the
27 department the Vehicle Safety Hearing Board. The members of the
28 hearing board are the commissioner of commerce and economic development,
29 the commissioner of transportation and public facilities, and

1 the attorney general, or their designees.

2 (b) At the request of the commissioner of the department the
3 hearing board shall convene and hear the evidence and information
4 relevant to the suspension and revocation of an official inspection
5 station permit. The hearing board shall make written findings and
6 conclusions to support its order affirming, denying or modifying the
7 action taken by the department.

8 (c) The order of the hearing board is subject to judicial review
9 in the manner provided by law.

10 ~~Sec. 42.30.350. ISSUANCE OF CERTIFICATE OF INSPECTION.~~ (a) A
11 person operating an official inspection station shall issue a certifi-
12 cate of inspection to the owner of a motor vehicle after determining
13 the motor vehicle is in a safe and mechanically sound condition.

14 (b) A person operating an official inspection station shall keep
15 a record of each inspection performed at the station and the depart-
16 ment may audit the records of an official inspection station at any
17 time.

18 Sec. 42.30.360. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.
19 (a) A person may not represent a place as an official inspection
20 station unless the station is operating under a valid permit issued by
21 the department under AS 42.30.320.

22 (b) A person may not issue a certificate of inspection unless
23 holding a valid permit under AS 42.30.320.

24 Sec. 42.30.370. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A
25 person may not make, issue, or knowingly use an imitation or counter-
26 feit of an official certificate of inspection.

27 (b) A person may not knowingly display or issue a certificate
28 of inspection on a motor vehicle unless the motor vehicle has met the
29 requirements of AS 42.30.350.

1 Sec. 42.30.380. VIOLATION A MISDEMEANOR. A person who ^{x*3} [knowingly]
2 violates a provision of AS 42.30.300 - 42.30.370 is guilty of a class
3 B misdemeanor.

4 Sec. 42.30.390. DEFINITIONS. In AS 42.30.200 - 42.30.390,

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

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

13 (3) "aircraft" means a device used or designed for flight
14 in the air;

15 (4) "department" means the Department of Commerce and
16 Economic Development;

17 ^{#15} → (5) "freight" means all commodities, articles, and cargo,
18 of whatever nature or value, excluding garbage and trash;

19 (6) "motor vehicle" means

20 (A) a truck of more than 10,000 pounds unladen gross
21 vehicle weight used upon a public highway of this state; and

22 (B) a trailer registered in this state of more than
23 5,000 pounds unladen gross vehicle weight and used upon a public
24 highway of this state.

25 ^{sect 4} → ^{XX(1)} * Sec. 5. AS 44.33.020 is amended by adding a new paragraph to read:

26 ↓ (27) implement the financial responsibility requirements for
27 motor vehicles and air carriers under AS 42.30.200 - 43.30.270.

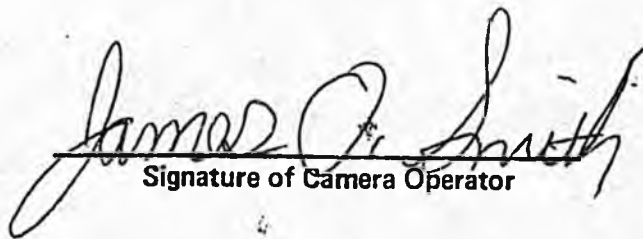
28 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
29 10.070(c).

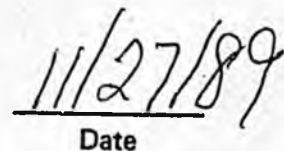


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Signature of Camera Operator


Date

S B

1 1 2



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: Sen. Coghill
From: Committee Staff *jm*
Date: Thursday, January 31, 1985
Re: Inappropriate referral

The attached bill, SB 112 - "An Act relating to criminal trespass", may have been referred to our committee in error. As you see, it deals with trespassing in a vehicle with the intent to commit a crime. You may want to speak with Senator Rodey, chairman of the judiciary committee about this bill, but it seems inappropriate for our committee.

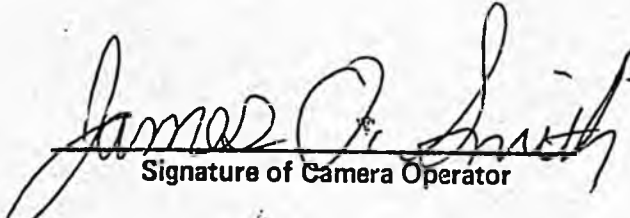
WAIVED 1-31-85

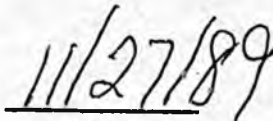


RECORDS CERTIFICATION



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Signature of Camera Operator


Date

S B

1 1 4 1

IDENTIFICATION	BILL NAME "An Act relating to the registration of heavy vehicles; PSD"		BILL NUMBER SB 114
	SPONSOR(S) Rules/Gov		DATE INTRODUCED 1/30/85
			RELATED BILLS PENDING
INITIAL RESEARCH	INITIAL SUMMARY COMPLETED	LEGAL DIVISION SUMMARY	
	SPONSOR CONTACTED FOR BACKUP MATERIALS	DEPT OF LAW SUMMARY	
	AGENCY RESPONSE	FISCAL NOTE	
		OTHER INTERESTED LEGISLATORS NOTIFIED	
BACKGROUND RESEARCH	SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES		OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, ETC
	RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS		
HEARING PREPARATION	CHAIRMAN BRIEFED	DATE & PLACE SET	
	STAFF MEMO TO COMMITTEE	TELECONFERENCE	
	BACKGROUND MATERIAL DISTRIBUTED	PSA/PRESS RELEASE	
	LIST OF WITNESSES	SUGGESTED AMENDMENTS/CS DRAFTED	

Finance, State Affairs

REQUESTED PROCEDURE TO MOVE COMMITTEE SUBSTITUTE FOR SB 114

- AFTER THE SENATE SECRETARY BRINGS UP THE SB 114 AS THE "NEXT ORDER OF BUSINESS", AND SAYS SHE HAS ONE COMMITTEE SUBSTITUTE ON HER DESK,

- MOVE AND ASK UNANIMOUS CONSENT THAT THE TRANSPORTATION COMMITTEE SUBSTITUTE BE ADOPTED.

Alaska State Legislature

SENATOR
JOHN B. "JACK" COGHILL
Chairman

Senator Jan Faiks—Vice Chairman
Senator Mitch Abood
Senator Paul Fischer
Senator Joe Josephson



POUCH V
JUNEAU, ALASKA 99811
(907) 465-4921

Senate Committee on Transportation

MEMORANDUM

To: Committee members
From: Committee staff *AK*
Date: March 18, 1985
Re: SB 114

SB 114 is scheduled to be heard by the committee this afternoon. This bill proposes to amend AS 28.10.021 (motor vehicle registration) by requiring the Department of Public Safety to verify that federal heavy vehicle use taxes have been paid, for those vehicles required to do so, before the department can issue a registration for the vehicle. As the Governor's transmittal letter points out, if this change to the State's law is not made, the federal government may withhold 25% of federal funds for highway construction.

In your folder you have a copy of the bill, a copy of the federal statute making the bill necessary, a DPS fiscal note and analysis, and position papers from DPS and DOT/PF. Also included is a proposed amendment suggested by Jim Fischer of the Attorney General's office, which would delete references to requirements of the now defunct Alaska Transportation Commission.

**COMMITTEE REPORT
SENATE**

FURTHER: FINANCE

3/5/85

Date MARCH 15, 1985

Mr. President

The Committee on TRANSPORTATION considered SB 114
relating to registration of heavy vehicles; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 114 (TRANSPORTATION)
- new title
- same title and recommends DO PASS
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]
[Signature]
[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS**

[Signature]
Chairman
DO PASS
Chairman recommendation

Outline about SB 114

1. This legislation is required by passage of Federal legislation in 1982. That enactment was the Surface Transportation Assistance Act of 1982.

2. When Congress passed the 1982 statute it included a provision which could penalize a state for up to 25% of its federal highway aid money. To avoid such a penalty the state must check to see if the federal heavy vehicle use taxes have been paid. If the federal taxes have not been paid, then the state must refuse to register those heavy vehicles on which no use taxes have been paid.

3. Alaska statutes presently lack any provision which permits the Division of Motor Vehicles to refuse registration for failure to show evidence of payment of federal heavy use taxes. To grant such authority to the Division of Motor Vehicles is the reason SB 114 is now before the legislature. This authority should be in place not later than October 1, 1985 the deadline set by the federal government.

Other questions:

(a) Doesn't the proposed enactment place Alaska in the position of collecting federal taxes?

Answer: No. IRS must continue to collect but if a truck owner, for example, doesn't show a receipt (Form 2290), demonstrating the tax has been paid to it, then the truck cannot be registered in Alaska. The state does not have to handle any money for the federal government.

(b) Doesn't this measure require Alaska to be an indirect tax collector?

Answer: It can be argued that that is what occurs. However, it is mandatory under the federal law.

(c) Will the proposed measure place additional demands on the staff of the Division of Motor Vehicles (DMV)?

Answer: Yes, it is an extra step for registration of a heavy vehicle truck (GVW 55,000 pounds). DMV employees will probably have to answer questions which should logically be directed to the IRS. However, if an Alaskan doesn't understand the heavy vehicle tax law when applying to DMV, then state officials should be ready to respond to inquiries which should really be answered by federal employees.

Offered: 3/19/85
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE
2 CS FOR SENATE BILL NO. 114 (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 the registration of heavy vehi-
/ cles; and providing for an effective date."

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

9 * Section 1. AS 28.10.021(a) is amended to read:

10 (a) The owner of a vehicle subject to registration shall apply
11 for registration under this chapter by properly completing the form
12 prescribed by the commissioner under AS 28.05.041. Before the issu-
13 ance of a certificate of registration by the department, the owner
14 shall pay all registration fees and taxes required under this chapter
15 and federal heavy vehicle use taxes required under 26 U.S.C. 4481
16 (Internal Revenue Code of 1954) [AND ALASKA MOTOR FREIGHT CARRIER AND
17 BUS TRANSPORTATION FEES REQUIRED UNDER AS 42,] and shall comply with
18 any other applicable statutes and regulations.

19 * Sec. 2. AS 28.10.041 is amended by adding a new subsection to read:

20 (c) The department shall refuse to register a vehicle subject to
21 the federal heavy vehicle use tax required by 26 U.S.C. 4481 (Internal
22 Revenue Code of 1954) if the applicant fails to furnish proof, in the
23 form prescribed by the U.S. Secretary of the Treasury, that the tax
24 has been paid.

25 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
26 10.070(c).

Introduced: 1/30/85
Referred: State Affairs,
Transportation
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 114

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 the registration of heavy vehi-
7 cles; and providing for an effective date."

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

9 * Section 1. AS 28.10.021(a) is amended to read:

10 (a) The owner of a vehicle subject to registration shall apply
11 for registration under this chapter by properly completing the form
12 prescribed by the commissioner under AS 28.05.041. Before the issu-
13 ance of a certificate of registration by the department, the owner
14 shall pay all registration fees and taxes required under this chapter,
15 [AND] Alaska motor freight carrier [AND BUS TRANSPORTATION] fees
16 required under AS 42, and federal heavy vehicle use taxes required
17 under sec. 4481 of the Internal Revenue Code of 1954 (26 U.S.C.), and
18 shall comply with any other applicable statutes and regulations.

19 * Sec. 2. AS 28.10.041 is amended by adding a new subsection to read:

20 (c) The department shall refuse to register a vehicle subject to
21 the federal heavy vehicle use tax required by sec. 4481 of the In-
22 ternal Revenue Code of 1954 (26 U.S.C.) if the applicant fails to
23 furnish proof of payment, in the form prescribed by the U.S. Secretary
24 of the Treasury, that the tax has been paid.

25 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
26 10.070(c).



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

SB 114

January 30, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will authorize the division of motor vehicles (DMV), Department of Public Safety, to refuse to register heavy trucks and trailers if the owner of the heavy vehicle does not furnish proof that applicable federal heavy use taxes have been paid. This authorization is necessary to protect Alaska's full apportionment of federal highway funds.

In 1982 the U.S. Congress adopted the Surface Transportation Assistance Act of 1982. The Act increases, as of July 1, 1984, the heavy vehicle use tax which heavy trucks and trailers must pay under sec. 4481 of the Internal Revenue Code of 1954. Section 143 of the Act (23 U.S.C. sec. 141(d)) authorizes the federal government to withhold up to 25 percent of a state's apportionment of federal highway funds during any year in which heavy vehicles subject to such taxation may be registered in the state without presenting proof of payment of these taxes. The present federal law requires that this proof-of-payment requirement must be effective no later than January 1, 1985.

In order to prevent the loss of these federal highway funds, this bill authorizes DMV to refuse to register a heavy vehicle unless the owner provides proof that the required federal tax has been paid. If an applicant fails to provide the required proof of payment, the applicant's vehicle will not be registered. The State of Alaska is not required to enforce or collect the federal tax.

At line 15, the bill also makes an incidental amendment (deletion of "and bus transportation") to recognize the 1980 repeal of AS 42.15, the chapter on bus transportation to which this provision refers.

GOVERNOR'S LETTER OF TRANSMITTAL

pk 114

-2-

I anticipate that Department of Public Safety personnel will be working with legislative committees on possible amendments to the bill, which may be necessitated by pending federal procedural instructions.

In order to avoid the loss of federal funding needed for Alaska's highway system, I urge your passage of this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".


Bill Sheffield
Governor



Dept. of Transportation & Public Facilities

Position Paper

BILL NO: Senate Bill 114

APPROVED: 
R. J. Knapp
Commissioner

TITLE: An act relating to the registration of heavy vehicles; and providing for an effective date.

DATE: March 1, 1985

The Alaska Department of Transportation and Public Facilities urges speedy passage of Senate Bill (SB) 114. SB 114 enables the Division of Motor Vehicles in the Department of Public Safety to require proof-of-payment of the federal heavy vehicle use tax before registering heavy vehicles in the State of Alaska. The heavy vehicle use tax is one of a number of user fees that fund highway improvements through the federal Highway Trust Fund. The State of Alaska receives a very favorable distribution from the Highway Trust Fund; this distribution is over nine times the amount collected through federal taxes on highway use in Alaska.

If SB 144 is not enacted, Alaska will be subject to a reduction in our Interstate apportionments from the highway trust fund. This reduction in funds will hurt the Department's efforts to improve Alaska's Interstate System, consisting of the Parks, Alaska, Glenn and Tok Cut-off highways and portions of the Richardson, Seward, and Sterling highways. The Department estimates that withholding, when applied, will cost the state over \$10 million a year in Interstate apportionments. In a time of declining oil revenues and pressing road improvement needs, the state can ill afford any loss of federal-aid highway funds.

For further information call Susan Fleischhauer at 465-3900.

DOT/PF POSITION PAPER

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 114

SUPPORT

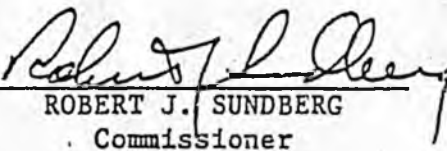
February 6, 1985

SB 114, An Act relating to the registration of heavy vehicles and providing for an effective date.

The United State Congress has amended the United States Code to reflect the Secretary of Transportation shall reduce the state's apportionment for federal-aid highway funds in any fiscal year beginning after October 1, 1985, if a vehicle subject to the use tax may be lawfully registered in the state without having presented proof of payment of the use tax.

Enforcement of a federal law by state registration processes is not a desirable use of state resources. However, the alternative, a loss of 25 percent of federal highway funds, leaves the state little choice. The state is not required to enforce or collect the federal tax but only to verify it has been paid before the vehicle is registered.

Therefore, it is felt this bill should be passed this session to bring Alaska in compliance with the federal requirement and avoid loss of the federal-aid highway funds.


ROBERT J. SUNDBERG
Commissioner

DPS POSITION PAPER

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No. SB 110
 Title: An Act relating to the registration of heavy vehicles
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life and Property 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		8.8	9.3	9.9	10.5	11.1
200 TRAVEL						
300 CONTRACTUAL		7.4	5.5	5.8	6.1	6.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		16.2	14.8	15.7	16.6	17.6

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		16.2	14.8	15.7	16.6	17.6
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME Seasonal		1	1	1	1	1
TEMPORARY						

ANALYSIS: Attach a separate page if necessary "

Will require proof of IRS filing or payment of the Federal Heavy Truck Use Tax prior to registration for all motor vehicles with a gross vehicle weight (GVW) of 33,000 lbs or over. Alaska vehicle classifications are based on unladen weight rather than GVW, so it is not possible to determine exactly how many vehicles are affected, but an estimate based on unladen weight would be 2,500 to 3,500 vehicles.

Prepared By: Charles R. Hosack Phone: 269-5561
 Division: Motor Vehicles Date: 10-15-84

Approved by Commissioner: [Signature] Date: 12/16/84
 Agency: Public Safety

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

7/1/84

DPS FISCAL NOTE

HEAVY VEHICLE USE TAX

ANALYSIS (Continued)

Notification to vehicle owners and collection of the proper forms would require a special mailing, and individual handling. Most of these vehicles are commercial vehicles registered during December, so one position working four months, October through January, would be able to accomplish most of the work and the rest would be absorbed by existing positions.

Cost detail for the program is as follows:

100	Motor Vehicle Representative I, Range 8, 4 months		8.8
300	Mailing Cost	1.4	
	Forms	1.0	
	Data Processing Programming	2.0	
	Data Processing Maintenance	3.0	
		<u>7.4</u>	<u>7.4</u>
			<u>16.2</u>

An inflation factor of 6% has been applied to costs beyond FY86.

TITLE OF INCREMENT/DECREMENT: FN - Heavy Vehicle Registration	AGENCY CONTACT/PHONE NUMBER: John H. Lucking/269-5551	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:10%;">CODE</th> <th style="width:60%;">EXPENDITURE BY OBJECT</th> <th style="width:15%;">AGENCY REQ.</th> <th style="width:15%;">GOV'S REQ.</th> </tr> </thead> <tbody> <tr><td>100</td><td>Personal Services</td><td>8.8</td><td></td></tr> <tr><td>200</td><td>Travel</td><td></td><td></td></tr> <tr><td>300</td><td>Contractual Services</td><td>7.4</td><td></td></tr> <tr><td>400</td><td>Supplies</td><td></td><td></td></tr> <tr><td>500</td><td>Equipment</td><td></td><td></td></tr> <tr><td>600</td><td>Lands, Buildings, Etc.</td><td></td><td></td></tr> <tr><td>700</td><td>Grants, Claims, Etc.</td><td></td><td></td></tr> <tr><td>800</td><td>Miscellaneous</td><td></td><td></td></tr> <tr><td colspan="2" style="text-align: center;">TOTAL</td><td>16.2</td><td></td></tr> <tr><td colspan="4" style="text-align: center;">I-A Transfer (NON-ADD)</td></tr> <tr><td>1002</td><td>Federal Receipts</td><td></td><td></td></tr> <tr><td>1003</td><td>General Fund Match</td><td></td><td></td></tr> <tr><td>1004</td><td>General Fund</td><td>16.2</td><td></td></tr> <tr><td>1005</td><td>I-A Receipts</td><td></td><td></td></tr> <tr><td>1028</td><td>Program Receipts</td><td></td><td></td></tr> <tr><td></td><td>Other</td><td></td><td></td></tr> <tr><td colspan="2" rowspan="4" style="text-align: center;">POSITION INFORMATION</td><td>PFT</td><td></td></tr> <tr><td>XXX Seasonal</td><td>1.0</td></tr> <tr><td>Non Permanent</td><td></td></tr> <tr><td>Staff Months</td><td>4.0</td></tr> </tbody> </table>	CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	GOV'S REQ.	100	Personal Services	8.8		200	Travel			300	Contractual Services	7.4		400	Supplies			500	Equipment			600	Lands, Buildings, Etc.			700	Grants, Claims, Etc.			800	Miscellaneous			TOTAL		16.2		I-A Transfer (NON-ADD)				1002	Federal Receipts			1003	General Fund Match			1004	General Fund	16.2		1005	I-A Receipts			1028	Program Receipts				Other			POSITION INFORMATION		PFT		XXX Seasonal	1.0	Non Permanent		Staff Months	4.0
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DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES: Proposed legislation would amend AS 28.10.021 dealing with vehicle registration to ensure that the vehicle owner has complied with federal regulations requiring that a heavy vehicle use tax be paid if applicable prior to State registration. Notification to vehicle owners and collection of the proper forms would require a special mailing and individual handling. Most of the affected vehicles are commercial vehicles registered during December, so one seasonal position working four months (October-January) would be able to accomplish most of the additional workload involved in administering the change in Statute. Costs are projected as follows:																																																																																
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IMPACT FROM CAPITAL PROJECT (NAME) Chapter _____ SLA _____ Page/Line _____																																																																																

C5	INCREMENT/DECREMENT REQUEST Agency Priority <u>34</u> of <u>35</u>
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AGENCY Department of Public Safety
 PROGRAM Life & Property Protection
 BRU Division of Motor Vehicles
 COMPONENT Vehicle Services
 PROJECT _____

FY 86

PAGE _____	OF _____
REVISED DATE _____	

Southern Illinois Builders Ass'n v. Uglivic, C.A. Ill. 1972, 471 F.2d 680.

2. Power of states

State officials were authorized to prescribe number of minority trainees to be employed by

contractor in connection with highway construction projects. Schlaffy v. Volpe, C.A.Ill. 1974, 495 F.2d 273.

§ 141. Enforcement of requirements

(a) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all speed limits on public highways in accordance with section 154 of this title. The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this subsection.

(b) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this title.

(c) (1) Each State shall submit to the Secretary such information as the Secretary shall, by regulation, require as necessary, in his opinion, to verify the certification of such State under subsection (b) of this section.

(2) If a State fails to certify as required by subsection (b) of this section or if the Secretary determines that a State is not adequately enforcing all State laws respecting such maximum vehicle size and weights, notwithstanding such a certification, then Federal-aid highway funds apportioned to such State for such fiscal year shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title.

(3) If within one year from the date that the apportionment for any State is reduced in accordance with paragraph (2) of this subsection the Secretary determines that such State is enforcing all State laws respecting maximum size and weights, the apportionment of such State shall be increased by an amount equal to such reduction. If the Secretary does not make such a determination within such one-year period, the amounts so withheld shall be reapportioned to all other eligible States.

(d) The Secretary shall reduce the State's apportionment of Federal-aid highway funds under section 104(b) (5) of this title in an amount up to 25 per centum of the amount to be apportioned in any fiscal year beginning after September 30, 1984, during which heavy vehicles, subject to the use tax imposed by section 4481 of the Internal Revenue Code of 1954, may be lawfully registered in the State without having presented proof of payment, in such form as may be prescribed by the Secretary of the Treasury, of the use tax imposed by section 4481 of such Code. Amounts withheld from apportionment to a State under this subsection shall be apportioned to the other States pursuant to the formulas of section 104(b) (5) of this title and shall be available in the same manner and to the same extent as other Interstate funds apportioned at the same time to other States.

(Added Pub.L. 93-643, § 107(a), Jan. 4, 1975, 88 Stat. 2284, and amended Pub.L. 95-599, Title I, § 123(d), Nov. 6, 1978, 92 Stat. 2702; Pub.L. 97-424, Title I, § 143, Jan. 6, 1983, 96 Stat. 2129.)

References in Text. Section 4481 of the Internal Revenue Code of 1954, referred to in subsec. (d), is section 4481 of Title 26, Internal Revenue Code.

Prior Provisions. A prior section 141, Pub.L. 90-495, § 35(a), Aug. 23, 1968, 82 Stat. 836, providing for real property acquisition policies, was repealed by Pub.L. 91-646, Title III, § 306, Jan. 2, 1971, 84 Stat. 1907, and is now covered by sections 4651(1), (3), and (5) and 4655(1) of Title 42, The Public Health and Welfare.

1983 Amendment. Subsec. (b). Pub.L. 97-424, § 143, added subsec. (d).

1978 Amendment. Pub.L. 95-599 redesignated existing provisions as subsecs. (a) and (b) and added subsec. (c).

Effective Date of 1978 Amendment. Section 123(e) of Pub.L. 95-599, formerly set out as a note under this section, providing that subsec. (c) (2) and (3) of this section be applicable to certifications required by this section to be filed on or after Jan. 1, 1980, was repealed by Pub.L. 96-106, § 12, Nov. 9, 1979, 93 Stat. 798.

Enforcement of Vehicle Weight Limitations. Section 123(a) to (c) of Pub.L. 95-599 provided that:

"(a) Not later than the one-hundred-eightieth day after the date of enactment of this section [Nov. 6, 1978], the Secretary of Transportation, hereunder referred to as the 'Secretary', in consultation with each State shall inventory the existing system of penalties for violations of vehicle weight

laws, rules, and regulations on any portion of any Federal-aid system in such State. Each State shall annually thereafter report to the Secretary its current inventory.

"(b) (1) Not later than the one-hundred-eightieth day after the date of enactment of this section [Nov. 6, 1978], the Secretary, in consultation with each State, shall inventory the existing system in such State for the issuance of special permits. Each State shall annually thereafter report to the Secretary its current inventory.

"(2) For purposes of this subsection, the term "special permit" means a license or permit issued pursuant to State law, rule, or regulation which authorizes a vehicle to exceed the weight limitation for such vehicle established under State law, rule, or regulation.

"(c) Not later than January 1 of the second calendar year which begins after the date of enactment of this section [Nov. 6, 1978] and each

calendar year thereafter the Secretary shall submit to Congress an annual report together with such recommendations as the Secretary deems necessary on (1) the latest annual inventory of State systems of penalties required by subsection (a) of this section; (2) the latest annual inventory of State systems for the issuance of special permits required by subsection (b) of this section; (3) the annual certification submitted by each State required by section 141(b) of title 23, United States Code [subsec. (b) of this section]."

Legislative History. For legislative history and purpose of Pub.L. 93-643, see 1974 U.S. Code Cong. and Adm. News, p. 8011. See, also, Pub.L. 95-599, 1978 U.S. Code Cong. and Adm. News, p. 6575; Pub.L. 97-424, 1982 U.S. Code Cong. and Adm. News, p. 3639.

Code of Federal Regulations

Size and weight, see 23 CFR 657.1.
Speed limits, see 23 CFR 659.1.

§ 142. Public transportation

(a) (1) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as "buses"), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential high occupancy vehicle lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve high occupancy vehicle and public mass transportation passengers, and sums apportioned under section 104(b) of this title shall be available to finance the cost of projects under this paragraph. If fees are charged for the use of any parking facility constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility and the cost of providing shuttle service to and from the facility (including compensation to any person for operating the facility and for providing such shuttle service).

(2) In addition to the projects under paragraph (1), the Secretary may, beginning with the fiscal year ending June 30, 1975, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b) (6) of this title, the purchase of buses, and, beginning with the fiscal year ending June 30, 1976, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(h) (6) of this title, the construction, reconstruction, and improvement of fixed rail facilities, including the purchase of rolling stock for fixed rail, except that not more than \$200,000,000 of all sums apportioned for the fiscal year ending June 30, 1975, under section 104(h) (6) shall be available for the payment of the Federal share of projects for the purchase of buses.

(b) Sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of projects for exclusive or preferential high occupancy vehicle, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

(c) Whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a highway project the Federal share of which is to be paid from funds apportioned under section 104(b) (6) of this title for the fiscal years ending June 30, 1974, and June 30, 1975, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a

From A.G.'s Office

Proposed Amendment to SB 114 - ". . . relating to the registration of heavy vehicles. . ."

On line 14, page 1 after the word "chapter" delete the
","; delete all language on line 15, page 1; and on line 16, page
1 delete the language "required under AS 42,"