

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 STRA 12788

HEB

102

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: HB 102
 (H) Publish Date: 2/19/07

Revision Date/Time : _____ Dept. Affected: Public Safety
 Title An act relating to passing stationary vehicles RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Representative Coghill
 Requester House Transportation Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill is an act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road.

Passage of this legislation will have no fiscal impact on the Department of Public Safety.

Prepared by: Lt. Rodney Dial Phone 907-247-4480
 Division: Division of Alaska State Troopers Date/Time 2/9/07 1600
 Approved by: Commissioner Walt Monegan Date 2/14/2007
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 102
 (H) Publish Date: 2/19/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title: An Act relating to passing stationary vehicles. RDU: Criminal
 Component: Criminal Justice Litigation
 Sponsor: Representative Coghill
 Requester: House Transportation Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill would require a driver to safely vacate the adjacent lane or slow to a reasonable speed when passing certain stationary vehicles being used to perform official duties. The bill would apply to tow-trucks as well as police, fire, emergency and animal control vehicles when the stationary vehicle is displaying flashing emergency lights. The department does not anticipate any significant fiscal impact.

Prepared by: Robert Meiners, Acting Director
 Division: Administrative Services Division
 Approved by: Robert Meiners for Talis Colberg, Attorney General
 Agency: Department of Law

Phone 465-5427
 Date/Time 2/13/07 10:27 AM
 Date 2/13/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 102
(H) Publish Date: 2/19/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title "An Act relating to vacating lanes or slowing down RDU Division of Motor Vehicles
for certain vehicles stopped...." Component Motor Vehicles
Sponsor Rep. Coghill
Requester (H) TRA Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

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

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

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

Estimate of any current year (FY2007) cost: 0.0

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

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill does not impact the Division of Motor Vehicles.

Prepared by: Duane Bannock, director
Division: Motor Vehicles
Approved by: Kevin Brooks, Deputy Commissioner
Agency: Department of Administration

Phone 465-2200
Date/Time 2/10/2007 11:00am
Date 2/12/2007

REPRESENTATIVE
JOHN COGHILL
HOUSE RULES
COMMITTEE CHAIRMAN

During Interim: (June-Dec.)
3340 Badger Road
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North Pole, Alaska 99705
(907) 488-5725
Fax (907) 488-4271

Alaska State Legislature



DISTRICT 11


During Session: (Jan.-May)
State Capitol, Room 214
Juneau, Alaska 99801-1182
(907) 465-3719
Fax (907) 465-3258
1-877-465-3719

House of Representatives

MEMORANDUM

Date: March 6, 2007

To: Senator Kookesh, Chairman
Transportation Committee

From: Representative John Coghill 
House Rules Chairman

Re: Transportation Committee Hearing - HB 102

Please schedule a hearing for HB 102 "An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."

I have attached a Sponsor Statement, Sectional, and letters of support for your information and distribution to committee members.

Thank you.

REPRESENTATIVE
JOHN COGHILL
HOUSE RULES
COMMITTEE CHAIRMAN

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1-877-465-3719

House of Representatives

SPONSOR STATEMENT

HB 102

"An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."

This bill will provide greater protection to law enforcement and emergency personnel who are performing official duties on single lane or double lane highways by providing clear directives for drivers approaching emergency vehicles.

When the legislature originally passed this legislation the law stated that on a highway with two or more lanes in the same direction a driver approaching emergency vehicles performing official duties, the driver shall vacate the lane closest to the emergency vehicle or slow to a reasonable and prudent speed. The "or" clause made enforcement of this bill very difficult. Additionally the original law did not address driver responsibility when driving on a single lane highway.

This legislation changes the wording in order to compel drivers traveling on a highway with two or more lanes in the same direction to change lanes if possible in existing safety and traffic conditions. If it is not possible for the driver to change lanes they must slow to a reasonable and prudent speed. If the highway has less than two lanes the driver shall slow to a reasonable and prudent speed.

HB 102 clearly conveys, and now provides the clear language for enforcement, of the legislatures intent to provide maximum safety to law enforcement and emergency personnel performing official duties along our highways.

REPRESENTATIVE
JOHN COGHILL
HOUSE RULES
COMMITTEE CHAIRMAN

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House of Representatives

SECTIONAL

HB 102

"An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."

Section 1: Overtaking and passing certain stationary vehicles(a)

(1)

(A) deletes the word SAFELY and adds **if possible in the existing safety and traffic conditions** which allows for the possibility that a driver may not be able to safely vacate the lane closest to emergency vehicles.

(B) adds a new subsection **if a lane change under (A) of this paragraph would be impossible, prohibited by law, or unsafe, slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions;** which directs a driver to slow to a reasonable and prudent speed if a lane change is not possible.

(2) **with fewer than two lanes traveling in the same direction,** address the action that a driver will take when coming upon emergency vehicles on a highway with fewer than two lanes.



State of Alaska
Department of
Public Safety

Sarah Palin, Governor
Walt Monegan, Commissioner

February 22, 2007

The Honorable John Coghill
House of Representatives
Alaska State Capitol, Rm 214
Juneau, AK 99801-1182

Dear Representative Coghill:

Re: HB 102

The Alaska Department of Public Safety (DPS) supports HB 102. Currently, more than 30 states have laws similar to HB 102 that are referred to as move-over-laws, intended to help protect police officers, fire and other emergency responders as they perform their missions on our nation's crowded highways.

Thirty percent of all crashes occur as the result of another crash. Giving emergency responders plenty of room and clearing the road in the wake of a crash reduces the chance that another collision will occur. Additionally, for every minute a highway lane is closed, it takes an average of four additional minutes for traffic to recover.¹

Over the past ten years, four hundred seventy-one police officers nationwide have died in traffic related accidents, including one hundred forty-six who have been struck by vehicles.² Last year alone, thirteen law enforcement officers were struck and killed by passing vehicles while they worked outside their patrol cars.³

The Department of Public Safety supports the passage of HB 102 as a positive step in protecting those who protect the citizens of Alaska.

Sincerely,

Walt Monegan
Commissioner

¹ <http://www.gahighwaysafety.org/moveoverlaw.html>

² 2007 National Law Enforcement Officers Memorial

³ FBI traffic statistics

**ALASKA ASSOCIATION OF CHIEFS OF POLICE
RESOLUTION**

**A RESOLUTION URGING THE MEMBERS OF THE ALASKA STATE
LEGISLATURE TO AMEND THE WORDING OF A.S. 28.35.185, THE "MOVE OVER
LAW" SO AS TO SATISFY THE ORIGINAL INTENT OF THE STATUTE.**

WHEREAS, each year while conducting traffic-stops, police officers are needlessly injured and killed when struck by passing motorists; and

WHEREAS, the Alaska State Legislature recognized this danger in 2004, drafting and passing A.S. 28.35.185. the "move-over law;" and

WHEREAS, the members of the Alaska Association of Chiefs of Police believe that the *intent* of the Statute was to require motorists on multi-lane roadways to move over to the far lane when passing a stopped emergency vehicle, provided it is safe to do so; and

WHEREAS, the actual language of the Statute states:

- (1) with two or more lanes traveling in the same direction, unless otherwise directed by law enforcement or emergency personnel, shall safely vacate the lane closest to the emergency, fire, or law enforcement vehicle, or
- (2) unless otherwise directed by law enforcement or emergency personnel, shall slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions; and

WHEREAS, the use of the word "or," without any following qualifier, negates the mandate for a motorist to *ever* move over, should they simply decide not to do so;

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ALASKA ASSOCIATION OF CHIEFS OF POLICE, that:

The Alaska State Legislature is urged by our members to amend the wording of A.S. 28.35.185, section (2), as follows:

(2) when traffic or other conditions make it unsafe to move over as directed in section (1), or unless otherwise directed by law enforcement or emergency personnel, the driver shall slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions.


TOM CLEMONS, President
Alaska Association of Chiefs of Police

ADOPTED: December 5, 2006

Public Safety Employees Association, Inc.
"Representing Alaska's Finest"

HB 102 Position Paper

The Public Safety Employees Association supports HB 102. The bill's goal is to correct a technical error in AS 28.35.185. The bill clarifies the requirement for motorists to vacate lanes or slow down when coming upon an accident. The bill promotes safety, encourages the most expedient flow of traffic, and protects public safety and emergency responders during highway emergencies or enforcement.

Accidents on our highways endanger more than the motorists involved in the accident, so expedient efforts to clear an accident and to slow traffic during a mishap prevents the further loss of property, life or injury.

HB 102 clarifies the intent of AS 28.35 to require motorists, when approaching either emergency or law enforcement vehicles performing official duties, to vacate the lane on highways with two or more lanes, and for motorists to slow to a reasonable and prudent speed on highways with fewer than two lanes. Requiring motorists to vacate a lane where an accident has occurred on multilane highways promotes safer driving conditions for motorists and provides a cushion in which emergency responders and law enforcement can more safely perform their duties. Requiring motorists to reduce speed on single lane highways, when approaching a scene where either law enforcement or emergency responders are working, is safer for motorists and for those performing their public safety duties and responsibilities.

HB 102 has the potential to save the lives of public safety officers conducting traffic stops, emergency personnel responding to accidents, tow truck operators working an accident, and fire fighters stabilizing an accident area.

We appreciate Representatives John Coghill and Nancy Dahlstrom for offering this technical change so that AS 28,35 achieves the purpose for which it was offered in 2004.

2/15/07

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 102

HISTORY IN THE HOUSE

HISTORY IN THE SENATE

2007

2007

Read first time and referred to:

Read first time and referred to:

1/22

3/2

TRA Jud

TRA

2/19

TRA RPT CS() New Title
4 DP 0 DNP 0 NR 0 AM
 FN 3 OFN / Prev: FN OFN

RPT SCS() NT: SCR
 DP DNP NR AM
 FN OFN / Prev: FN OFN
 To: _____

2/28

Jud RPT CS() New Title
1e DP 0 DNP 0 NR 0 AM
 FN OFN / Prev: FN 3 OFN

RPT SCS() NT: SCR
 DP DNP NR AM
 FN OFN / Prev: FN OFN
 To: _____

RPT CS() New Title
 DP DNP NR AM
 FN OFN / Prev: FN OFN

RPT SCS() NT: SCR
 DP DNP NR AM
 FN OFN / Prev: FN OFN
 To: _____

RPT CS() New Title
 DP DNP NR AM
 FN OFN / Prev: FN OFN

3/1

Read second time

Read second time

CS() Adopted New Title

SCS() Adopted New Title

Amended _____
 4uc Advanced / 3rd Rdg. _____

Amended _____
 _____ Advanced / 3rd Rdg. _____

3/1

Read third time

Read third time

Title Amendment
 Return to 2nd & amended _____

Title Amendment
 Return to 2nd & amended _____

Passed Y34 N0 E4 A2
 EFD same or Y ___ N ___ E ___ A ___
 CBR same or Y ___ N ___ E ___ A ___
 CRT same or Y ___ N ___ E ___ A ___

Passed Y ___ N ___ E ___ A ___
 EFD same or Y ___ N ___ E ___ A ___
 CBR same or Y ___ N ___ E ___ A ___
 CRT same or Y ___ N ___ E ___ A ___

Reconsideration

Reconsideration

Reconsideration not taken up

Reconsideration not taken up

Title Amendment
 Return to 2nd & amended _____

Title Amendment
 Return to 2nd & amended _____

Passed/Rec Y ___ N ___ E ___ A ___
 EFD same or Y ___ N ___ E ___ A ___
 CBR same or Y ___ N ___ E ___ A ___
 CRT same or Y ___ N ___ E ___ A ___

Passed/Rec Y ___ N ___ E ___ A ___
 EFD same or Y ___ N ___ E ___ A ___
 CBR same or Y ___ N ___ E ___ A ___
 CRT same or Y ___ N ___ E ___ A ___

3/1

Engrossed, signed by the Speaker
 Transmitted to the Senate

Engrossed, signed by the President
 Returned to the House

[Signature]
 Chief Clerk of the House

[Signature]
 Secretary of the Senate

HOUSE-SENATE HISTORY (continued)

20

Version Received from the Senate:

Concur in Senate Amendment
Y _____ N _____ E _____ A _____

[] EFD same or Y _____ N _____ E _____ A _____
[] CBR same or Y _____ N _____ E _____ A _____
[] CRT same or Y _____ N _____ E _____ A _____

Failed concu in Senate amd., ask Senate recede
Y _____ N _____ E _____ A _____

Senate failed to recede from amendment
Y _____ N _____ E _____ A _____

CC appointed by House _____ Chair

CC appointed by Senate _____ Chair

(H) Granted Limited Powers of Free Conference
(S) Granted Limited Powers of Free Conference

20

(H) Adopted CC Rpt _____
Y _____ N _____ E _____ A _____
[] EFD same or Y _____ N _____ E _____ A _____
[] CBR same or Y _____ N _____ E _____ A _____
[] CRT same or Y _____ N _____ E _____ A _____

(S) Adopted CC Rpt _____
Y _____ N _____ E _____ A _____
[] EFD same or Y _____ N _____ E _____ A _____
[] CBR same or Y _____ N _____ E _____ A _____
[] CRT same or Y _____ N _____ E _____ A _____

Sent to enrolling
Received from Enrolling _____ Manifest Error

Sent to Governor
_____ By Governor

Chapter Number _____

Filed with Lieutenant Governor

HOUSE BILL NO. 102

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES COGHILL, Dahlstrom, Ramras, Lynn

Introduced: 1/22/07

Referred: Transportation, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to vacating lanes or slowing down for certain vehicles stopped along**
2 **the side of a road."**

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

4 *** Section 1.** AS 28.35.185(a) is amended to read:

5 (a) The driver of a vehicle that approaches a stationary emergency vehicle, fire
6 vehicle, law enforcement vehicle, tow truck in the act of picking up a vehicle, or
7 animal control vehicle being used to perform official duties, when the stationary
8 vehicle is displaying flashing emergency lights on a highway or roadway

9 (1) with two or more lanes traveling in the same direction, unless
10 otherwise directed by law enforcement or emergency personnel, shall

11 (A) if possible in the existing safety and traffic conditions,

12 [SAFELY] vacate the lane closest to the emergency vehicle, fire vehicle, law
13 enforcement vehicle, tow truck in the act of picking up a vehicle, or animal
14 control vehicle being used to perform official duties; or

1
2
3
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7

(B) if a lane change under (A) of this paragraph would be impossible, prohibited by law, or unsafe, slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions;

(2) with fewer than two lanes traveling in the same direction, unless otherwise directed by law enforcement or emergency personnel, shall slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions.

HR 107

REPRESENTATIVE
JOHN COGHILL
HOUSE RULES
COMMITTEE CHAIRMAN

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Alaska State Legislature



DISTRICT 11


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State Capitol, Room 214
Juneau, Alaska 99801-1182
(907) 465-3719
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1-877-465-3719

House of Representatives

MEMORANDUM

Date: March 6, 2007

To: Senator Kookesh, Chairman
Transportation Committee

From: Representative John Coghill 
House Rules Chairman

Re: Transportation Committee Hearing - HB 102

Please schedule a hearing for HB 102 "An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."

I have attached a Sponsor Statement, Sectional, and letters of support for your information and distribution to committee members.

Thank you.

REPRESENTATIVE
JOHN COGHILL
HOUSE RULES
COMMITTEE CHAIRMAN

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House of Representatives

SPONSOR STATEMENT

HB 102

"An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."

This bill will provide greater protection to law enforcement and emergency personnel who are performing official duties on single lane or double lane highways by providing clear directives for drivers approaching emergency vehicles.

When the legislature originally passed this legislation the law stated that on a highway with two or more lanes in the same direction a driver approaching emergency vehicles performing official duties, the driver shall vacate the lane closest to the emergency vehicle or slow to a reasonable and prudent speed. The "or" clause made enforcement of this bill very difficult. Additionally the original law did not address driver responsibility when driving on a single lane highway.

This legislation changes the wording in order to compel drivers traveling on a highway with two or more lanes in the same direction to change lanes if possible in existing safety and traffic conditions. If it is not possible for the driver to change lanes they must slow to a reasonable and prudent speed. If the highway has less than two lanes the driver shall slow to a reasonable and prudent speed.

HB 102 clearly conveys, and now provides the clear language for enforcement, of the legislatures intent to provide maximum safety to law enforcement and emergency personnel performing official duties along our highways.

REPRESENTATIVE
JOHN COGHILL
HOUSE RULES
COMMITTEE CHAIRMAN

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House of Representatives

SECTIONAL

HB 102

"An Act relating to vacating lanes or slowing down for certain vehicles stopped along the side of a road."

Section 1: Overtaking and passing certain stationary vehicles(a)

(1)

(A) deletes the word SAFELY and adds **if possible in the existing safety and traffic conditions** which allows for the possibility that a driver may not be able to safely vacate the lane closest to emergency vehicles.

(B) adds a new subsection **if a lane change under (A) of this paragraph would be impossible, prohibited by law, or unsafe, slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions;** which directs a driver to slow to a reasonable and prudent speed if a lane change is not possible.

(2) **with fewer than two lanes traveling in the same direction,** address the action that a driver will take when coming upon emergency vehicles on a highway with fewer than two lanes.



State of Alaska
Department of
Public Safety

Sarah Palin, Governor
Walt Monegan, Commissioner

February 22, 2007

The Honorable John Coghill
House of Representatives
Alaska State Capitol, Rm 214
Juneau, AK 99801-1182

Dear Representative Coghill:

Re: HB 102

The Alaska Department of Public Safety (DPS) supports HB 102. Currently, more than 30 states have laws similar to HB 102 that are referred to as move-over-laws, intended to help protect police officers, fire and other emergency responders as they perform their missions on our nation's crowded highways.

Thirty percent of all crashes occur as the result of another crash. Giving emergency responders plenty of room and clearing the road in the wake of a crash reduces the chance that another collision will occur. Additionally, for every minute a highway lane is closed, it takes an average of four additional minutes for traffic to recover.¹

Over the past ten years, four hundred seventy-one police officers nationwide have died in traffic related accidents, including one hundred forty-six who have been struck by vehicles.² Last year alone, thirteen law enforcement officers were struck and killed by passing vehicles while they worked outside their patrol cars.³

The Department of Public Safety supports the passage of HB 102 as a positive step in protecting those who protect the citizens of Alaska.

Sincerely,

Walt Monegan
Commissioner

¹ <http://www.gahighwaysafety.org/moveoverlaw.html>

² 2007 National Law Enforcement Officers Memorial

³ FBI traffic statistics

**ALASKA ASSOCIATION OF CHIEFS OF POLICE
RESOLUTION**

**A RESOLUTION URGING THE MEMBERS OF THE ALASKA STATE
LEGISLATURE TO AMEND THE WORDING OF A.S. 28.35.185, THE "MOVE OVER
LAW" SO AS TO SATISFY THE ORIGINAL INTENT OF THE STATUTE.**

WHEREAS, each year while conducting traffic-stops, police officers are needlessly injured and killed when struck by passing motorists; and

WHEREAS, the Alaska State Legislature recognized this danger in 2004, drafting and passing A.S. 28.35.185, the "move-over law;" and

WHEREAS, the members of the Alaska Association of Chiefs of Police believe that the *intent* of the Statute was to require motorists on multi-lane roadways to move over to the far lane when passing a stopped emergency vehicle, provided it is safe to do so; and

WHEREAS, the actual language of the Statute states:

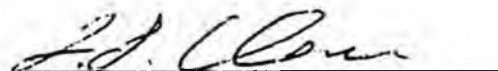
- (1) with two or more lanes traveling in the same direction, unless otherwise directed by law enforcement or emergency personnel, shall safely vacate the lane closest to the emergency, fire, or law enforcement vehicle, or
- (2) unless otherwise directed by law enforcement or emergency personnel, shall slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions; and

WHEREAS, the use of the word "or," without any following qualifier, negates the mandate for a motorist to *ever* move over, should they simply decide not to do so;

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ALASKA ASSOCIATION OF CHIEFS OF POLICE, that:

The Alaska State Legislature is urged by our members to amend the wording of A.S. 28.35.185, section (2), as follows:

- (2) when traffic or other conditions make it unsafe to move over as directed in section (1), or unless otherwise directed by law enforcement or emergency personnel, the driver shall slow to a reasonable and prudent speed considering the traffic, roadway, and weather conditions.



TOM CLEMONS, President
Alaska Association of Chiefs of Police

ADOPTED: December 5, 2006

Public Safety Employees Association, Inc.
"Representing Alaska's Finest"

HB 102 Position Paper

The Public Safety Employees Association supports HB 102. The bill's goal is to correct a technical error in AS 28.35.185. The bill clarifies the requirement for motorists to vacate lanes or slow down when coming upon an accident. The bill promotes safety, encourages the most expedient flow of traffic, and protects public safety and emergency responders during highway emergencies or enforcement.

Accidents on our highways endanger more than the motorists involved in the accident, so expedient efforts to clear an accident and to slow traffic during a mishap prevents the further loss of property, life or injury.

HB 102 clarifies the intent of AS 28.35 to require motorists, when approaching either emergency or law enforcement vehicles performing official duties, to vacate the lane on highways with two or more lanes, and for motorists to slow to a reasonable and prudent speed on highways with fewer than two lanes. Requiring motorists to vacate a lane where an accident has occurred on multilane highways promotes safer driving conditions for motorists and provides a cushion in which emergency responders and law enforcement can more safely perform their duties. Requiring motorists to reduce speed on single lane highways, when approaching a scene where either law enforcement or emergency responders are working, is safer for motorists and for those performing their public safety duties and responsibilities.

HB 102 has the potential to save the lives of public safety officers conducting traffic stops, emergency personnel responding to accidents, tow truck operators working an accident, and fire fighters stabilizing an accident area.

We appreciate Representatives John Coghill and Nancy Dahlstrom for offering this technical change so that AS 28,35 achieves the purpose for which it was offered in 2004.

2/15/07

HEB

126

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 126(JUD)
 (H) Publish Date: 3/14/07

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Commercial Drivers Licenses RDU Planning
 Component Program Development
 Sponsor Johansen
 Requester House STA Component No. 365

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill brings the state into compliance with the Motor Carrier Safety Improvement Act of 1999. Under section 384.401 of the Federal Motor Carrier Safety Regulations (49 CFR 384.401), a state that is not in compliance is subject to the withholding of up to five percent of Federal-aid highway funds that would otherwise be appropriated under 23 U.S.C. section 104(b). This reduction in National Highway System, Surface Transportation Program and Interstate Maintenance funds is estimated to be \$7 million in federal fiscal year (FFY) 2008 (starting October 1, 2007) and \$14 million in FFY 2009 (October 2008). These funds are the most flexible dollars used in the State Transportation Improvement Program (STIP). Additionally failure to come into compliance could result in the loss of the Motor Carrier Safety Assistance Program funding. This would be \$850.0 for FY08 and FY09.

Prepared by: Mary Siroky Phone 465-4772
 Division: Commissioner's Office Date/Time 3/9/07 12:00 AM
 Approved by: Nancy Slagle, Director Admin Service Date 3/9/2007
 Agency: Department of Transportation and Public Facilities

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 126
 (H) Publish Date: 2/21/07

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

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

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

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

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

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

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

SENATE COMMITTEE REPORT

DATE: 3/23/07

FURTHER: Rules

DATE TURNED
IN TO OFFICE: MARCH 29 2007

Transportation Committee considered CS FOR HOUSE BILL NO. 126(JUD)(title am)

HB 126 FORMS/DOCUMENTS/RIGHTS RELATED TO DRIVING

"An Act relating to access to criminal justice information for certain employees of the Department of Administration; relating to the procedure for changes to certificates, registration, titles, licenses, permits, and other forms relating to driving and motor vehicles; relating to requirements for, cancellations of, renewals of, reinstatements of, expirations of, disqualifications of, withdrawals of, suspensions or revocations of, and exemptions from commercial and other driver's licenses, permits, or privileges to drive; relating to records concerning motor vehicles and their drivers; relating to penalties for violating commercial driver licensing requirements; relating to the driver's license compact; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

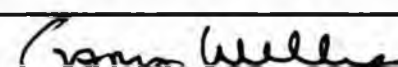
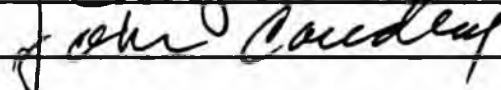
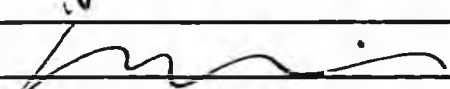
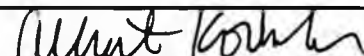
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADMIN	2/13/07			✓	1
DOT	3/9/07			✓	3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	Wilken	✓			
	Country	✓			
	Wiebeckowski			✓	
CHAIR: 	Kohler	✓			

HOUSE-SENATE HISTORY (continued)

20

Version Received from the Senate:

Concur in Senate Amendment
Y ___ N ___ E ___ A ___

[] EFD same or Y ___ N ___ E ___ A ___

[] CBR same or Y ___ N ___ E ___ A ___

[] CRT same or Y ___ N ___ E ___ A ___

Failed concur in Senate amd., ask Senate recede
Y ___ N ___ E ___ A ___

Senate failed to recede from amendment
Y ___ N ___ E ___ A ___

CC appointed by House _____ Chair

CC appointed by Senate _____ Chair

(H) Granted Limited Powers of Free Conference

(S) Granted Limited Powers of Free Conference

20

(H) Adopted CC Rpt _____
Y ___ N ___ E ___ A ___

[] EFD same or Y ___ N ___ E ___ A ___

[] CBR same or Y ___ N ___ E ___ A ___

[] CRT same or Y ___ N ___ E ___ A ___

(S) Adopted CC Rpt _____
Y ___ N ___ E ___ A ___

[] EFD same or Y ___ N ___ E ___ A ___

[] CBR same or Y ___ N ___ E ___ A ___

[] CRT same or Y ___ N ___ E ___ A ___

Sent to enrolling
Received from Enrolling _____ Manifest Error

Sent to Governor
_____ By Governor

Chapter Number _____

Filed with Lieutenant Governor

ALASKA STATE LEGISLATURE

Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

Interim:
50 Front Street, Suite 203
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-8546



Chair
Transportation

Vice Chair
Fisheries

Member
Economic Development,
Trade and Tourism
State Affairs

REPRESENTATIVE KYLE JOHANSEN

DISTRICT ONE

April 17, 2007

VIA HAND DELIVERY

Honorable Senator Albert Kookesh
Chairman, Senate Transportation Committee
State Capitol, Room 11
Juneau, Alaska 99801

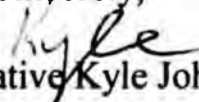
Re: Scheduling HB 126 in Senate
Transportation

Dear Senator Kookesh:

Please schedule HB 126 for a hearing in your committee. The bill would bring the state back into compliance with federal law. A copy of the notice from federal DOT that Alaska is out of compliance is attached. HB 126 must pass this session or sanctions will be imposed in five months. These sanctions include:

- (1) Loss of approximately \$7 million in highway funds this year and approximately \$14 million a year after that;
- (2) Suspension or loss of federal Motor Carrier Safety Act funds used to help reduce commercial driving accidents in Alaska; and
- (3) Loss of the ability of Alaska's DMV to issue CDL's to Alaska truck drivers that are valid for interstate commerce, i.e., between Alaska and Canada.

Sincerely,


Representative Kyle Johansen



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

The Honorable Sarah Palin
Governor of Alaska
Juneau, AK 99811

Administrator

400 Seventh St., S.W.
Washington, D.C. 20580

Refer to: MC-ESL

JAN 31 2007

Dear Governor Palin:

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

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

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

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

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

Sincerely yours,

John H. Hill

cc:

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

Allison Biastock

From: Randall Ruaro
Sent: Monday, April 16, 2007 5:21 PM
To: Mary Siroky; Duane Bannock; David Scott
Cc: 'Brooks, Kevin (Dept. Admin)'; Allison Biastock; Nancy Barnes
Subject: RE: HB 126

As far as we know, the bill was pulled and sent back to the Senate Transportation Committee to deal with the issues raised by Sen. French. We are unaware that any other legislator has a problem with the bill.

The pressure for this bill to pass will likely increase greatly in the next several weeks since Alaska has been given notice by the Federal Government that its CDL program is out of compliance and sanctions will be imposed in five months starting October 1, 2007. Those sanctions include prohibiting the Alaska DMV from issuing CDL's that will be good for interstate commerce, i.e., driving between Canada and Alaska. (This is the provision the Alaska Truckers are most worried about) The sanctions also include \$7 million this year in highway aid funds and forfeiture of \$14 million a year after that. Also, nearly a million a year in Motor Carrier Safety Act funds will be suspended or possibly lost completely. I think these funds are used by DOT and law enforcement to inspect trucks to make sure the weights are OK and to inspect them for safety issues.

From: Mary Siroky [mailto:Mary_Siroky@dot.state.ak.us]
Sent: Monday, April 16, 2007 4:26 PM
To: Duane Bannock; Randall Ruaro; David Scott
Cc: 'Brooks, Kevin (Dept. Admin)'
Subject: HB 126

I just got off the phone with Allison in Sen. French's office as I had called to set up an appointment for Duane and me to meet with Senator French to discuss his concerns. She told me Sen. French did not need to meet with us and he will trust the wisdom of the transportation committee.

The amendment that French's office prepared was to delete lines 6 to 8 on page 4. Duane would that make it inconsistent with federal law?

-m-

Mary Siroky
Special Assistant to Commissioner
Department of Transportation and Public Facilities
907-465-4772

**CS FOR HOUSE BILL NO. 126(JUD)(title am)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 3/21/07

Offered: 3/14/07

Sponsor(s): REPRESENTATIVE JOHANSEN

**A BILL
FOR AN ACT ENTITLED**

1 **"An Act relating to access to criminal justice information for certain employees of the**
2 **Department of Administration; relating to the procedure for changes to certificates,**
3 **registration, titles, licenses, permits, and other forms relating to driving and motor**
4 **vehicles; relating to requirements for, cancellations of, renewals of, reinstatements of,**
5 **expirations of, disqualifications of, withdrawals of, suspensions or revocations of, and**
6 **exemptions from commercial and other driver's licenses, permits, or privileges to drive;**
7 **relating to records concerning motor vehicles and their drivers; relating to penalties for**
8 **violating commercial driver licensing requirements; relating to the driver's license**
9 **compact; and providing for an effective date."**

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

11 *** Section 1. AS 28.05 is amended by adding a new section to read:**

12 **Sec. 28.05.065. Access to criminal justice information. (a) For purposes of**

1 carrying out the provisions of AS 28.05, AS 28.15, AS 28.33, and AS 28.35, an
 2 employee of the department assigned to perform functions under those chapters may
 3 access criminal justice information about an adult or minor charged with or convicted
 4 of an offense.

5 (b) For purposes of obtaining access to criminal justice information
 6 maintained by the Department of Public Safety under AS 12.62, the unit assigned
 7 motor vehicle functions in the Department of Administration is a criminal justice
 8 agency conducting a criminal justice activity.

9 (c) In this section,

10 (1) "criminal justice activity" has the meaning given in AS 12.62.900;

11 (2) "criminal justice agency" has the meaning given in AS 12.62.900.

12 * **Sec. 2.** AS 28.05.071 is amended to read:

13 **Sec. 28.05.071. Change of name or address.** A person who has applied for or
 14 been issued a certificate, registration, title, license, permit, or other form under this
 15 title, and who changes the person's name or moves from the address shown on the
 16 records or forms of the Department of Administration or the Department of Public
 17 Safety, shall notify the appropriate department [IN WRITING] of the change in name
 18 or address within 30 days

19 (1) on a form or in a format specified by the appropriate
 20 department; and

21 (2) in a manner prescribed in regulations adopted by the
 22 appropriate department.

23 * **Sec. 3.** AS 28.15.021 is amended to read:

24 **Sec. 28.15.021. Persons exempt from driver licensing.** The following
 25 persons are exempt from driver licensing under this chapter:

26 (1) an employee of the United States government while operating a
 27 motor vehicle owned by or leased to the United States government and being operated
 28 on official business, unless the employee is required by the United States government
 29 or an agency of that government to have a state driver's license;

30 (2) a nonresident who is at least 16 years of age and who has a valid
 31 driver's license issued by another jurisdiction; however, an Alaska driver's license

1 must be obtained by the end of a 90-day period after entry into the state;

2 (3) a member of the armed forces of the United States who has a valid
3 driver's license issued by another jurisdiction when the permanent residence of the
4 member is maintained in that jurisdiction;

5 (4) a person when driving an implement of husbandry, as defined by
6 regulation, that is only temporarily driven or moved on a highway;

7 (5) a person when driving or operating an off-highway vehicle,
8 watercraft, aircraft, or other vehicle not designed for highway use as specified by the
9 department by regulation;

10 (6) a person who is at least 16 years of age with a valid driver's license
11 from a jurisdiction other than Alaska while driving a motor-driven cycle; however, an
12 Alaska driver's license for driving a motor-driven cycle must be obtained by the end of
13 a 90-day period after entering the state;

14 (7) a person when operating an electric personal motor vehicle;

15 (8) certain drivers in the United States military service who are
16 operating commercial motor vehicles for military purposes; in this paragraph,
17 "certain drivers in the United States military service"

18 (A) means

19 (i) a member of the United States active duty
20 military, including active duty United States Coast Guard;

21 (ii) a member of the United States military reserves;

22 (iii) a member of the Alaska National Guard or the
23 national guard of another state on active duty in this state,
24 including a member on part-time Alaska National Guard training;

25 and

26 (iv) an individual who serves as an Alaska National
27 Guard military technician; in this sub-subparagraph, "Alaska
28 National Guard military technician" means an individual who is
29 not a member of the military, but is required to wear a military
30 uniform;

31 (B) does not include an individual who serves as a United

1 **States Military Reserve technician;**

2 **(9) drivers employed by a municipality or established village, as**
 3 **that term is defined in AS 04.21.080, with a population of 3,000 or less operating**
 4 **snow removal equipment in this state within the boundaries of the municipality**
 5 **or established village if**

6 **(A) the employee who is properly licensed in this state and**
 7 **ordinarily operates the equipment is unavailable; or**

8 **(B) the municipality or established village determines that**
 9 **an emergency exists that requires additional assistance;**

10 **(10) a nonresident who holds a valid commercial driver's license**
 11 **issued by another jurisdiction when the permanent residence of the commercial**
 12 **driver is maintained in that jurisdiction.**

13 * Sec. 4. AS 28.15.031(b) is amended to read:

14 (b) The department may not issue an original or duplicate driver's license to,
 15 nor renew or reinstate the driver's license of, a person

16 (1) whose license is suspended, [OR] revoked, **canceled, or**
 17 **withdrawn in this or any other jurisdiction** except as otherwise provided in this
 18 chapter;

19 (2) who fails to appear in court for the adjudication of a certain
 20 vehicle, driver, or traffic offense when the person's appearance is required by statute,
 21 regulation, or court rule;

22 (3) who is an habitual user of alcohol or another drug to such a degree
 23 that the person is incapable of safely driving a motor vehicle;

24 (4) when the department, based upon medical evidence, has
 25 determined that because of the person's physical or mental disability the person is not
 26 able to drive a motor vehicle safely;

27 (5) who is unable to understand official traffic control devices as
 28 displayed in this state or who does not have a fair knowledge of traffic laws and
 29 regulations, as demonstrated by an examination;

30 (6) who has knowingly made a false statement in the person's
 31 application for a license or has committed fraud in connection with the person's

1 application for, or in obtaining or attempting to obtain, a license, or who has not
2 applied under oath on the form provided for the purpose of obtaining or attempting to
3 obtain a license or permit; or

4 (7) who is required under AS 28.20 to furnish proof of financial
5 responsibility and who has not done so.

6 * Sec. 5. AS 28.15.031 is amended by adding new subsections to read:

7 (c) The department may not issue an original or duplicate commercial driver's
8 license to, nor renew or reinstate the commercial driver's license of, a person who is
9 disqualified from operating commercial motor vehicles in this or any other jurisdiction
10 or is not domiciled in this state.

11 (d) In this section, "disqualified" has the meaning given in AS 28.33.190.

12 * Sec. 6. AS 28.15.046(f) is amended to read:

13 (f) Costs of conducting the background check required under (b)(4) of this
14 section shall be paid by the applicant. [A LICENSE ISSUED UNDER THIS
15 SECTION EXPIRES ON SEPTEMBER 1 OF THE YEAR FOLLOWING
16 ISSUANCE.] Application for renewal may be made by submitting to the department
17 the results of a current physical examination and paying the required fee.

18 * Sec. 7. AS 28.15.051(a) is amended to read:

19 (a) Except as provided in (b) of this section, a person who is at least 14 years
20 of age may apply to the department for an instruction permit. The department may,
21 after the applicant has successfully passed all parts of the examination under
22 AS 28.15.081 other than the driving test, issue to the applicant an instruction permit.
23 The permit allows a person, while having the permit in the person's immediate
24 possession, to drive a specified type or class of motor vehicle on a highway or
25 vehicular way or area for a period not to exceed two years. The permittee shall be
26 accompanied by a person at least 21 years of age who has been licensed at least one
27 year to drive the type or class of vehicle being used, who is capable of exercising
28 control over the vehicle and who occupies a seat beside the driver, or who
29 accompanies and immediately supervises the driver when the permittee drives a
30 motorcycle. An instruction permit may be renewed one time. Once a license is issued
31 to drive a specified type or class of motor vehicle, a driver is not eligible to obtain

1 **an instructional permit for that specified type or class of motor vehicle.**

2 * Sec. 8. AS 28.15.061(b) is amended to read:

3 (b) An application under (a) of this section must

4 (1) contain the applicant's full legal name, date and place of birth, sex,
5 and mailing and residence addresses;

6 (2) state whether the applicant has been previously licensed in the past
7 10 years as a driver and, if so, when and by what jurisdiction;

8 (3) state whether any previous driver's license issued to the applicant
9 has ever been suspended or revoked or whether an application for a driver's license has
10 ever been refused and, if so, the date of and reason for the suspension, revocation, or
11 refusal;

12 (4) contain the applicant's social security number; the requirement of
13 this paragraph only applies to an applicant who has been issued a social security
14 number; and

15 (5) contain other information that the department may reasonably
16 require to determine the applicant's identity, competency, and eligibility.

17 * Sec. 9. AS 28.15.151(a) is amended to read:

18 (a) The department shall [MAY] maintain a file of

19 (1) every driver's license application, license or permit, and duplicate
20 driver's license issued by it;

21 (2) every license that has been suspended, revoked, canceled, limited,
22 restricted, or denied, and the reasons for those actions; [AND]

23 (3) all accident reports required to be forwarded to the department
24 under this title; and

25 (4) every disqualification of an individual from operating a
26 commercial motor vehicle.

27 * Sec. 10. AS 28.15.151(b) is amended to read:

28 (b) The department shall [MAY] also maintain and update within 10 days
29 after receipt by the department, a file of all accident reports, abstracts of court
30 records of convictions of vehicle, driver, and traffic offenses, and other information
31 that [WHICH] the department considers necessary to carry out the purposes of this

1 chapter.

2 * Sec. 11. AS 28.15.151(c) is amended to read:

3 (c) The department shall, upon request, subject to the applicable provisions of
 4 AS 12.62 and (f) of this section and without charging a fee, furnish (1) a municipal,
 5 state, or federal administrative or judicial agency with a certified abstract of the
 6 driving record of a driver within 10 days after receipt of the request by the
 7 department; and (2) a parent, foster parent, or guardian of a driver who is under 18
 8 years of age and not an emancipated minor an abstract of the driving record of that
 9 driver; the department may refuse to release the driver's address to the parent, foster
 10 parent, or guardian if the department determines that the release of the driver's address
 11 poses a threat to the health or safety of the driver. The abstract must include a listing
 12 of accidents in which the driver has been determined by the department or a court of
 13 competent jurisdiction to have been liable, convictions of vehicle, driver, and traffic
 14 offenses, any actions taken upon the driver's license, and information relating to
 15 financial responsibility.

16 * Sec. 12. AS 28.15.171(b) is amended to read:

17 (b) The department shall [MAY], upon receiving the record of a conviction of
 18 a person licensed in another jurisdiction for a vehicle, driver, or traffic offense in this
 19 state, or upon suspending or revoking the person's driving privilege, forward a copy of
 20 the record or suspension or revocation to the motor vehicle administrator for the
 21 jurisdiction in which the person convicted is licensed.

22 * Sec. 13. AS 28.15.211(a) is amended to read:

23 (a) Except for a point system suspension or revocation under AS 28.15.221 -
 24 28.15.241 and unless provided otherwise by law, and unless the suspension or
 25 revocation was for a cause that has been removed, a person whose driver's license,
 26 privilege to drive, or privilege to obtain a license has been suspended or revoked may
 27 not apply for a new license, and the person's driving privilege may not be restored,
 28 until the expiration of

29 (1) 30 days [ONE MONTH] from the date on which the license,
 30 privilege to drive, or privilege to obtain a license was suspended or revoked for a first
 31 conviction of the particular offense from which the suspension or revocation resulted;

1 (2) 90 days [THREE MONTHS] from the date on which the license,
 2 privilege to drive, or privilege to obtain a license was suspended or revoked for a
 3 second conviction within 12 consecutive months of the same offense from which the
 4 suspension or revocation resulted;

5 (3) one year from the date on which the license, privilege to drive, or
 6 privilege to obtain a license was suspended or revoked for a third or subsequent
 7 conviction within 12 consecutive months of the same offense from which the
 8 suspension or revocation resulted.

9 * Sec. 14. AS 28.15.211(b) is amended to read:

10 (b) A limitation, suspension, or revocation of a driver's license, privilege to
 11 drive, or privilege to obtain a license or a disqualification imposed by a court or the
 12 department takes effect on the date of final judgment, except that if another court or
 13 department limitation, suspension, disqualification, or revocation is in effect on the
 14 date of final judgment, the effective date of the last imposed limitation, suspension,
 15 disqualification, or revocation is at the end of the last day of the previous limitation,
 16 suspension, disqualification, or revocation unless the court or department specifies
 17 otherwise.

18 * Sec. 15. AS 28.33.100(a) is amended to read:

19 (a) A person may not drive a commercial motor vehicle until the person
 20 applies for and is issued a license for that purpose under AS 28.15.041. The
 21 department may not issue a license to drive a commercial motor vehicle unless the
 22 applicant

23 (1) is at least 19 years of age, to operate in intrastate commerce, or
 24 at least 21 years of age, to operate in interstate commerce;

25 (2) has held a valid driver's license at least one year before the date of
 26 application or meets the experience qualifications established by the department;

27 (3) has successfully completed all required driving tests and written
 28 and physical examinations;

29 (4) either does not have a driver's license issued by another jurisdiction
 30 or surrenders all driver's licenses issued by other jurisdictions; and

31 (5) is domiciled in this state.

1 * Sec. 16. AS 28.33.140(a) is amended to read:

2 (a) In addition to any [THE] court action or administrative action in this or
 3 any other jurisdiction [PROVIDED IN AS 28.15.181], conviction of a person who
 4 holds or is required to have a commercial driver's license of any of the following
 5 offenses is grounds for immediate disqualification from driving a commercial motor
 6 vehicle for the periods set out in this section:

7 (1) operating a commercial motor vehicle while under the influence of
 8 an alcoholic beverage, inhalant, or controlled substance in violation of AS 28.33.030;

9 (2) refusal to submit to a chemical test in violation of AS 28.35.032;

10 (3) operating a motor vehicle while under the influence of an alcoholic
 11 beverage, inhalant, or controlled substance in violation of AS 28.35.030;

12 (4) leaving the scene of an accident in violation of AS 28.35.060, or
 13 failing to file, or providing false information in, an accident report in violation of
 14 AS 28.35.110;

15 (5) a felony under state or federal law that was facilitated because the
 16 person used a [COMMERCIAL] motor vehicle;

17 (6) a serious traffic violation;

18 (7) driving after being placed out of service in violation of regulations
 19 adopted under AS 19.10.060(c) or AS 28.05.011; [OR]

20 (8) operating a commercial motor vehicle in violation of a federal or
 21 state statute or regulation, or a local law or ordinance, relating to railroad-highway
 22 grade crossings;

23 (9) operating a commercial motor vehicle while the driver's
 24 commercial motor vehicle license is suspended, revoked, or canceled, or the
 25 driver is disqualified;

26 (10) causing a fatality through the negligent operation, or
 27 operation in violation of a felony criminal law, of a commercial motor vehicle.

28 * Sec. 17. AS 28.33.140(c) is amended to read:

29 (c) Upon a conviction by a court of [A COURT CONVICTING] a person of
 30 an offense described in (a)(6) of this section, the department shall disqualify that
 31 person from driving a commercial motor vehicle for not less than 60 days if the person

1 has been previously convicted once, and 120 days if the person has been previously
 2 convicted more than once. The disqualification period under this subsection is in
 3 addition to any other previously imposed period of disqualification. As used in
 4 this subsection, "previously convicted" means having been convicted in this or another
 5 jurisdiction, within three years preceding the date of the present offense, of an offense
 6 described in (a)(6) of this section, or of another law or ordinance with substantially
 7 similar elements, arising out of a separate incident.

8 * Sec. 18. AS 28.33.140(d) is amended to read:

9 (d) Upon conviction by a court of [A COURT CONVICTING] a person of
 10 an offense described in (a)(1) - (5), (9), or (10) of this section, the department shall
 11 disqualify that person from driving a commercial motor vehicle for not less than one
 12 year for a first offense, except that, if the offense was

13 (1) facilitated by a commercial motor vehicle transporting a hazardous
 14 material [SUBSTANCE] that required that placards be placed on the vehicle under 49
 15 U.S.C. 5101 - 5127, the period of disqualification is not less than three years;

16 (2) a felony offense that involved the manufacture, distribution, or
 17 dispensing, or possession with intent to manufacture, distribute, or dispense, a
 18 controlled substance, the disqualification is for life and the license may not be
 19 reinstated under (g) of this section.

20 * Sec. 19. AS 28.33.140(e) is amended to read:

21 (e) Upon conviction by a court of [A COURT CONVICTING] a person of
 22 an offense described in (a)(1) - (5), (9), or (10) of this section, the department shall
 23 disqualify that person from driving a commercial motor vehicle for life if the person
 24 has been previously convicted. As used in this subsection, "previously convicted"
 25 means having been convicted in this or another jurisdiction of an offense described in
 26 (a)(1) - (5), (9), or (10) of this section, or of another law or ordinance with
 27 substantially similar elements.

28 * Sec. 20. AS 28.33.140(i) is amended to read:

29 (i) In addition to the requirements of AS 28.15.191, a court that disqualifies a
 30 person from driving a commercial motor vehicle shall require the surrender of the
 31 license, and shall immediately forward the license to the department with the record of

1 conviction and notification of the effective date of the disqualification. If the
 2 disqualification occurs by administrative action as described in (a) of this section,
 3 the person disqualified from driving shall surrender the license to the
 4 department.

5 * Sec. 21. AS 28.33.140(j) is amended to read:

6 (j) Upon conviction by a court of [A COURT CONVICTING] a person of an
 7 offense described in (a)(7) of this section, the department shall disqualify that person
 8 from driving a commercial motor vehicle for the following periods: (1) if the person
 9 has not been previously convicted of violating an out-of-service order, not less than
 10 180 [90] days; (2) if the person has been previously convicted once of violating an
 11 out-of-service order, not less than two years [ONE YEAR]; (3) if the person has been
 12 previously convicted more than once of violating an out-of-service order, not less than
 13 three years; (4) if the person operates a commercial motor vehicle transporting
 14 hazardous materials or a vehicle designed to transport 16 or more passengers,
 15 including the driver, in violation of an out-of-service order, not less than 180
 16 days; (5) if the person has been previously convicted of operating a commercial
 17 motor vehicle transporting hazardous materials or a vehicle designed to
 18 transport 16 or more passengers, including the driver, in violation of an out-of-
 19 service order two or more times in separate incidents within a 10-year period, not
 20 less than three years. In this subsection, "previously convicted" means having been
 21 convicted in this or another jurisdiction of an offense described in (a)(7) of this section
 22 within 10 years preceding the date of the present offense.

23 * Sec. 22. AS 28.33.140(k) is amended to read:

24 (k) Upon conviction by a court of [A COURT CONVICTING] a person of
 25 an offense described in (a)(8) of this section, the department shall disqualify that
 26 person from operating a commercial motor vehicle for the following periods: (1) if the
 27 person has not been previously convicted of violating a federal or state statute or
 28 regulation, or a local law or ordinance, relating to railroad-highway grade crossings,
 29 not less than 60 days; (2) if the person has been previously convicted once of violating
 30 a federal or state statute or regulation, or a local law or ordinance, relating to railroad-
 31 highway grade crossings, not less than 120 days; (3) if the person has been previously

1 convicted more than once of a violation of a federal or state statute or regulation, or a
 2 local law or ordinance, relating to railroad-highway grade crossings, not less than one
 3 year. In this subsection, "previously convicted" means having been convicted in this or
 4 another jurisdiction of an offense described in (a)(8) of this section within three years
 5 proceeding the date of the present offense.

6 * Sec. 23. AS 28.33.140 is amended by adding new subsections to read:

7 (l) A person who operates a commercial motor vehicle whose driving is
 8 determined by the United States Department of Transportation to constitute an
 9 imminent hazard is subject to disqualification as specified by the department in
 10 regulation. The regulations adopted by the department under this subsection must be
 11 substantially similar to those set by the federal government.

12 (m) A person who violates the standards for operating a commercial motor
 13 vehicle set out by the department in regulation is subject to civil penalties established
 14 by the department in regulation. An employer who knowingly allows an employee to
 15 drive in violation of an out-of-service order or in violation of a railroad-highway grade
 16 crossing is subject to civil penalties as described in 49 U.S.C. 521(b) as established by
 17 the department in regulation. The department may adopt regulations under AS 44.62
 18 to implement this subsection. The regulations adopted under this subsection must be
 19 substantially similar to any applicable federal regulations. In this subsection,
 20 "knowingly," has the meaning given in AS 11.81.900.

21 * Sec. 24. AS 28.33.150(a) is amended to read:

22 (a) A person is guilty of a class A misdemeanor if the person drives a
 23 commercial motor vehicle in this state

24 (1) without being licensed or privileged in this state to drive a
 25 commercial motor vehicle;

26 (2) during a period when that person's driver's license, privilege to
 27 drive, or privilege to obtain a license has been canceled, suspended, or revoked, or the
 28 person has been disqualified, in this or another jurisdiction;

29 (3) in violation of a limitation placed upon that person's license or
 30 privilege to drive in this or another jurisdiction;

31 (4) during a period when that person has been disqualified from

1 driving a commercial motor vehicle by a court or an administrative agency in this or
2 another jurisdiction; or

3 (5) in violation of an out of service order issued under AS 28.33.130 or
4 under a law in another jurisdiction having substantially similar requirements.

5 * Sec. 25. AS 28.33.190(11) is amended to read:

6 (11) "serious traffic violation" means

7 (A) speeding 15 miles per hour or more above the posted limit;

8 (B) reckless or negligent driving, in violation of AS 28.35.400
9 or 28.35.410 or an ordinance with substantially similar elements;

10 (C) violation of a provision of this title, or a regulation adopted
11 under this title, relating to improper lane changes or following too closely, or
12 an ordinance with substantially similar elements; [OR]

13 (D) violation of a law or ordinance relating to traffic control,
14 which was determined by the court by a preponderance of the evidence to have
15 been a factor in causing physical injury to a person;

16 (E) driving a commercial motor vehicle without obtaining a
17 license to drive a commercial motor vehicle;

18 (F) driving a commercial motor vehicle without a license to
19 drive a commercial motor vehicle in the driver's possession; however, if an
20 individual provides proof to the department by the date that the
21 individual was required to appear in court or pay any fine for that
22 violation that the individual held a valid license to drive a commercial
23 motor vehicle on the date the citation was issued, the driving may not be
24 considered as a serious traffic violation under this paragraph; or

25 (G) driving a commercial motor vehicle without the proper
26 class of license to drive a commercial motor vehicle and any required
27 endorsements for the specific vehicle group being operated, or for the
28 passengers or type of cargo being transported.

29 * Sec. 26. AS 28.33.190 is amended by adding new paragraphs to read:

30 (12) "commerce" means

31 (A) any trade, traffic, or transportation within the jurisdiction

1 of the United States between a place in a state and a place outside of the United
2 States; and

3 (B) trade, traffic, and transportation in the United States that
4 affects any trade, traffic, and transportation described in (A) of this paragraph;

5 (13) "commercial driver's license" means a license issued by a state or
6 other jurisdiction, in accordance with the standards contained in 49 C.F.R. 383, to an
7 individual authorizing the individual to operate a class of a commercial motor vehicle;

8 (14) "conviction" means an unvacated adjudication or conviction of
9 guilt, or a determination that a person has violated or failed to comply with the law in
10 a court of original jurisdiction or by an authorized administrative agency, an unvacated
11 forfeiture of bail or collateral deposited to secure the person's appearance in court, a
12 plea of guilty or nolo contendere accepted by the court, the payment of a fine or court
13 cost, or violation of a condition of release without bail, regardless of whether the
14 penalty is rebated, suspended, or probated;

15 (15) "domicile" means a state of the United States where a person has
16 the person's true, fixed, and permanent home and principal residence and to which the
17 person has the intention of returning whenever the person is absent;

18 (16) "hazardous material" means any material that has been designated
19 as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of
20 49 C.F.R. 172 or any quantity of a material listed as a select agent or toxin in 42
21 C.F.R. 73;

22 (17) "imminent hazard" means the existence of a condition that
23 presents a substantial likelihood that death, serious illness, severe personal injury, or a
24 substantial endangerment to health, property, or the environment may occur before the
25 reasonably foreseeable completion date of a formal proceeding by the United States
26 Department of Transportation begun to lessen the risk of that death, illness, injury or
27 endangerment.

28 * Sec. 27. AS 28.35.032(s) is amended to read:

29 (s) For purposes of this section, the director of the division within the
30 department responsible for administration of this section or a person designated by the
31 director may request and receive criminal justice information available under

1 AS 12.62. [IN THIS SUBSECTION, "CRIMINAL JUSTICE INFORMATION" HAS
2 THE MEANING GIVEN IN AS 12.62.900.]

3 * Sec. 28. AS 28.35.135(b) is amended to read:

4 (b) A person who has a certification, registration, title, license, or other form
5 issued under this title, or who has applied for a certification, registration, license, or
6 other form, and who changes the person's name or moves from the address shown on
7 the department's records or forms, shall notify the department [IN WRITING] of the
8 change in name or address within 30 days

9 (1) on a form or in a format specified by the department; and

10 (2) in a manner prescribed in regulations adopted by the
11 department.

12 * Sec. 29. AS 28.37.150 is amended to read:

13 **Sec. 28.37.150. Grounds requiring refusal to issue license.** Upon application
14 for a license to drive, the licensing authority in a party state shall ascertain whether the
15 applicant has ever held, or is the holder of a license to drive issued by another party
16 state. The licensing authority in the state where application is made may not issue a
17 license to drive to the applicant if

18 (1) the applicant has held a license, but the license has been suspended,
19 revoked, or canceled, or the applicant has been disqualified from operating a
20 commercial motor vehicle, by reason, in whole or in part, of a violation, and the
21 suspension period has not terminated;

22 (2) the applicant has held a license, but the license has been revoked by
23 reason, in whole or in part, of a violation, and the revocation has not terminated;
24 except that after the expiration of one year from the date the license was revoked, the
25 person may make application for a new license if permitted by law; the licensing
26 authority may refuse to issue a license to an applicant if, after investigation, the
27 licensing authority determines that it will not be safe to grant to the person the
28 privilege of driving a motor vehicle on the public highways;

29 (3) the applicant is the holder of a license to drive issued by another
30 party state and currently in force, unless the applicant surrenders the license;

31 (4) the applicant has held a license, but has been disqualified from

1 operating a commercial motor vehicle by reason, in whole or in part, of a
2 violation, and the disqualification has not terminated; however, a person may
3 make an application for a noncommercial driver license if permitted by other
4 law.

5 * Sec. 30. AS 28.90.990(a) is amended by adding a new paragraph to read:

6 (29) "criminal justice information" has the meaning given in
7 AS 12.62.900.

8 * Sec. 31. AS 28.33.140(b) and 28.33.190(8) are repealed.

9 * Sec. 32. The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 TRANSITION: REGULATIONS. The Department of Administration may proceed to
12 adopt regulations necessary to implement this Act. The regulations take effect under AS 44.62
13 (Administrative Procedure Act), but not before the effective date of the statutory changes.

14 * Sec. 33. Section 32 of this Act takes effect immediately under AS 01.10.070(c).

15 * Sec. 34. Except as provided in sec. 33 of this Act, this Act takes effect July 1, 2007.

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR FRENCH

TO: CSHB 126(JUD)(title am)

1 Page 4, lines 6 - 8:

2 Delete

3 **"(A) the employee who is properly licensed in this state and**
4 **ordinarily operates the equipment is unavailable; or**

5 **(B)"**

ALASKA STATE LEGISLATURE

Session:
State Capitol
Juneau, AK 99801-1182
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Chair
Transportation

Vice Chair
Fisheries

Member
Economic Development,
Trade and Tourism
State Affairs

REPRESENTATIVE KYLE JOHANSEN
DISTRICT ONE
April 17, 2007

VIA HAND DELIVERY

Honorable Senator Albert Kookesh
Chairman, Senate Transportation Committee
State Capitol, Room 11
Juneau, Alaska 99801

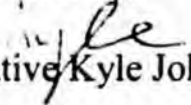
Re: Scheduling HB 126 in Senate
Transportation

Dear Senator Kookesh:

Please schedule HB 126 for a hearing in your committee. The bill would bring the state back into compliance with federal law. A copy of the notice from federal DOT that Alaska is out of compliance is attached. HB 126 must pass this session or sanctions will be imposed in five months. These sanctions include:

- (1) Loss of approximately \$7 million in highway funds this year and approximately \$14 million a year after that;
- (2) Suspension or loss of federal Motor Carrier Safety Act funds used to help reduce commercial driving accidents in Alaska; and
- (3) Loss of the ability of Alaska's DMV to issue CDL's to Alaska truck drivers that are valid for interstate commerce, i.e., between Alaska and Canada.

Sincerely,


Representative Kyle Johansen



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

The Honorable Sarah Palin
Governor of Alaska
Juneau, AK 99811

Administrator

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

Refer to: MC-ESL

JAN 31 2007

Dear Governor Palin:

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

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

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

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

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

Sincerely yours,

John H. Hill

cc:

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