

CS FOR HOUSE BILL NO. 271(TRA) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Amended: 3/2/12

Offered: 2/22/12

Sponsor(s): REPRESENTATIVES KELLER AND PRUITT, Gruenberg, Thompson, Gara, Kawasaki, Johnson, Millett, Stoltze, Kerttula

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

2 (C) that

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

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

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

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

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

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

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

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

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

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

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

28 (C) that

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

intrastate commerce; or

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

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

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

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

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

(iii) school buses;

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

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