

HOUSE CS FOR CS FOR SENATE BILL NO. 163(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 4/13/18

Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to commercial motor vehicles; and relating to overtaking and passing**
2 **certain stationary vehicles."**

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

4 *** Section 1.** AS 19.10.300(f)(1) is amended to read:

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

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

9 (B) used on [UPON] a land highway or vehicular way or area;
10 and

11 (C) that

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

14 (ii) is designed to transport more than 15 passengers,

1 including the driver;

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

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

6 (ii) **covered** farm vehicles **operating anywhere in the**
7 **state** [THAT ARE CONTROLLED AND OPERATED BY A
8 FARMER; USED TO TRANSPORT AGRICULTURAL PRODUCTS,
9 FARM MACHINERY, OR FARM SUPPLIES TO OR FROM THAT
10 FARMER'S FARM; NOT USED IN THE OPERATIONS OF A
11 COMMON OR CONTRACT MOTOR CARRIER; AND USED
12 WITHIN 150 MILES OF THE FARMER'S FARM]; and

13 (iii) vehicles used exclusively for purposes other than
14 commercial purposes;

15 * **Sec. 2.** AS 19.10.399(1) is amended to read:

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

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

20 (B) used **on** [UPON] a highway or vehicular way **or area**; and

21 (C) that

22 (i) has a gross vehicle weight rating or gross
23 combination weight rating, **or gross vehicle weight or gross**
24 **combination weight of 10,001 pounds or more** [GREATER THAN
25 10,000 POUNDS] for vehicles used in interstate commerce and 14,000
26 pounds **or more** for vehicles used in intrastate commerce; [OR]

27 (ii) is designed to transport more than 15 passengers,
28 including the driver; **or**

29 **(iii) is used to transport material found by the**
30 **United States Secretary of Transportation to be hazardous under**
31 **49 U.S.C. 5103 and is transported in any quantity requiring**

placarding:

(D) **for the purposes of intrastate commerce;** [EXCEPT THAT] the following vehicles meeting the criteria in **(A) and (B) and either (C)(i) or (ii)** [(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) **covered** farm vehicles **operating anywhere in the state** [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 **used for school bus operations;**

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

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

* **Sec 3.** AS 19.10.399 is amended by adding new paragraphs to read:

(14) "covered farm vehicle" means a straight or articulated vehicle

(A) registered in the state with a license plate or other designation issued by the state that allows law enforcement officials to identify it as a farm vehicle;

(B) operated by the owner or operator of a farm or ranch, or an employee or family member of an owner or operator of a farm or ranch;

(C) used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch; and

1 (D) not used in for-hire motor carrier operations;

2 (15) "school bus" means a passenger motor vehicle that is designed or
3 used to carry more than 10 passengers in addition to the driver and that is likely to be
4 used to transport pre-elementary, elementary, or secondary school students to and
5 from school;

6 (16) "school bus operations" means the use of a school bus to transport
7 students and school personnel to and from school.

8 * **Sec. 4.** AS 28.35.185(a) is amended to read:

9 (a) The driver of a vehicle that approaches a stationary emergency vehicle, fire
10 vehicle, law enforcement vehicle, tow truck in the act of picking up a vehicle, **vehicle**
11 **in the act of performing maintenance or road service work,** or animal control
12 vehicle being used to perform official duties, when the stationary vehicle is displaying
13 flashing emergency lights on a highway or roadway

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

16 (A) if possible in the existing safety and traffic conditions,
17 vacate the lane closest to the emergency vehicle, fire vehicle, law enforcement
18 vehicle, tow truck in the act of picking up a vehicle, **vehicle in the act of**
19 **performing maintenance or road service work,** or animal control vehicle
20 being used to perform official duties; or

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

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