

**A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Amendment of Title 20, Chapter 40  
Commercial Passenger Vehicles**

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE MANAGER ADOPTS THE FOLLOWING REGULATIONS:

**Section 1. Authority.** These regulations are adopted pursuant to CBJ 20.40.130(b).

**Section 2. Amendment of Regulation.** 20 CBJAC 40.120, relating to fees for commercial passenger vehicles, is amended to read:

**20 CBJAC 40.120 Fees.**

Fees are established as follows:

- (a) Fees for permit application:
  - (1) Professional driver's permit:
    - (A) Two-year permit . . . . . \$75.00
  - (2) Vehicle approval:
    - (A) Application fee per vehicle . . . . . 150.00
    - (B) Re-inspection fee (required for missed bi-annual inspection) 50.00
  - (3) Certificate of public convenience and necessity and endorsement fees:
    - (A) Engage in business . . . . . 1,500.00
    - (B) Registration and filing fees:
      - (i) Registration of vehicle to a certificate . . . . . 50.00
      - (ii) Registration of driver on certificate application .. No charge
      - (iii) Notice to amend conditions of an endorsement [20 CBJAC 40.500 (e)] . . . . . 25.00
    - (C) Application to transfer a certificate . . . . . 500.00
- (b) Appeal fee . . . . . 100.00
- (c) Late application fee . . . 50.00

**Section 3. Amendment of Regulation.** 20 CBJAC 40.310 is amended to read:

**20 CBJAC 40.310 Professional driver's permit.**

(a) Application. An application for a professional driver's permit shall be made in writing upon an approved form filed with the administrator, and shall include all required attachments. Renewal applications shall be submitted 30 days prior to the expiration date of the current permit. The form shall require at least the following information from the applicant:

- (1) Name and address;
- (2) Place or places of residence for the past ten years;
- (3) Age, height, color of eyes and hair;
- (4) Reserved;
- (5) A statement that the applicant has read CBJ 20.40 and these regulations;
- (6) A complete criminal history and driving record covering the past ten years, provided by the State of Alaska and any other jurisdiction as necessary.
- (7) Health certificates, which shall be provided as follows:
  - (A)
    - (i) Applicants holding current commercial driver's licenses must show proof of valid Alaska Commercial Driver's License health certificate, and must carry that certificate at all times when operating a commercial passenger vehicle.
    - (ii) Applicants holding a current out of state commercial driver's license must show proof of a valid Commercial Driver's License health certificate, and must carry that certificate at all times when operating a commercial passenger vehicle. Pursuant to AS 28.33.100 a person who has been an Alaska resident for 30 days or longer may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction. After the 30-day period the out of state commercial driver's license will not be honored.
  - (B) For applicants without current commercial driver's licenses, a health certificate on a form approved by the administrator and signed by a physician or health care practitioner licensed to practice in the State of Alaska, based upon a physical exam of the applicant within 90 days of the application. The physical exam shall meet the same requirements established by the State of Alaska for holders of commercial driver's licenses.

- (C) Medical Waivers. Applicants holding a current valid professional driver's permit issued prior to April 21, 2004, who are found by a physician, or licensed healthcare practitioner to not meet the physical standards as established by the State of Alaska for holders of a commercial driver's license, may obtain a professional driver's permit providing the City Manager grants a medical waiver. Applicants that did not hold a valid professional driver's permit issued prior to April 21, 2004, or who have allowed their professional driver's permit to expire, do not qualify for a medical waiver.

(1) Applicants who wish to apply for a medical waiver must provide to the City Manager the following information:

- (a) Applicant's name, address, and telephone number;
- (b) Name, address, and telephone number of a certificate holder;
- (c) Driving record showing a minimum of three years of driving experience as a for hire Commercial Passenger Vehicle operator;
- (d) Description of any modifications to the vehicle that applicant intends to drive under the waiver that are designed to accommodate the applicant's medical condition or disability;
- (e) Copy of any previous or current waivers;
- (f) Copy of applicant's driver's license;
- (g) Statement from the applicant's treating physician that includes:
  - (i) The extent to which the physician is familiar with the applicant's medical history;
  - (ii) Description of the applicant's medical condition for which a waiver is necessary;
  - (iii) Assessment that the applicant has the ability and apparent willingness to follow a course of treatment prescribed by the physician, including the ability to self monitor or manage their medical condition; and
  - (iv) The physician's professional opinion that the applicant's condition will not adversely affect their ability to safely operate a commercial passenger vehicle.
- (h) Other information considered necessary by the City Manager including requiring a physical examination or medical report from a physician who specialized in a particular field of medical practice. Costs associated with medical examinations will be the responsibility of the applicant.

(2) In granting a waiver under this subsection, the City Manager may impose conditions considered necessary to ensure that an applicant is able to operate a commercial passenger vehicle safely and that the safety of the general public is protected.

(3) A person who is granted a waiver under this subsection must report the driver's involvement in a motor vehicle accident within ten days to the CPV Administrator. Failure to comply with this section may result in the revocation of the driver's permit.

(4) The City Manager may deny an application if, during the three years preceding the application, the applicant's driver's license has been suspended, canceled, or revoked or the applicant has been convicted of a disqualifying offense, as listed in the regulations under 20 CBJAC 40.240(a).

(5) The City Manager may deny or revoke for good cause an application or waiver granted under this subsection. Notice of the City Manager's reason(s) for denying an application or for revoking a waiver must be in writing. The notice may be hand delivered to the waiver holder, or delivered by certified mail to the waiver holder's last known address, return receipt requested. A copy of the revocation may be hand delivered or mailed to the certificate holder.

(6) A waiver under this subsection expires on the date of expiration shown on the medical examiner's certificate.

(b) Approval. The administrator shall approve the application and issue a professional driver's permit if the administrator finds that the applicant:

- (1) Is at least 21 years of age;
- (2) Is able to speak the English language;
- (3) Meets the standards set forth in CBJ 20.40.200-.210;
- (4) Was not subject within the preceding two years to administrative sanctions under this chapter which resulted in a permit revocation; and
- (5) Has submitted a complete application, with appropriate fees.

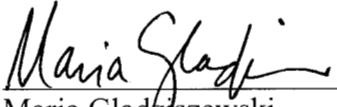
(c) Issuance. Upon approval of an application for a professional driver's permit, the administrator shall issue to the applicant a permit, which shall bear the name, address, age, signature, and photograph of the applicant. Such permit shall be in effect for 24 months from date of approval.

**Section 4. Notice of Proposed Adoption of a Regulation.** The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on February 25, 2005, which is not less than 21 days before the date of adoption of these regulations as set forth below.

#### Adoption by Agency

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: March 21, 2005

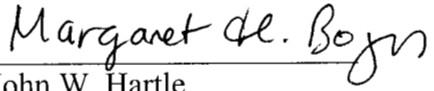
  
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Maria Gladyszewski  
Special Projects Officer

#### Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Its consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) The existence of code authority and the correctness of the required citation of code authority following each section; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

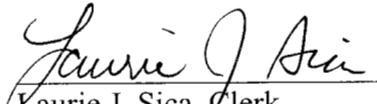
Date: March 22, 2005

  
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for John W. Hartle  
City Attorney

#### Assembly Review

These regulations were presented to the Assembly at its meeting of March 23, 05 They were adopted by the Assembly.

Date: March 23, 2005

  
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Laurie J. Sica, Clerk

### Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

1. These regulations were accepted for filing by the office of the clerk at 6:00 a.m. (p.m.) on the 23<sup>rd</sup> day of March, 2005.
2. After signing I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
4. Effective date: March 30, 2005.

Date: March 23, 2005

  
Laurie J. Sica, Clerk