

THE THIRTY-SIXTH LEGISLATURE OF AMERICAN SAMOA

First Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the fourteenth day of January
two thousand and nineteen

AN ACT CLARIFYING THE DEFINITION OF COMMERCIAL VEHICLE AND SATISFYING FEDERAL REQUIREMENTS FOR GRANT FUNDING; AMENDING SECTIONS 19.0101 AND 19.0104 A.S.C.A.

Preamble:

WHEREAS, the definition of commercial vehicle lacks clarity which has led to some difficulties enforcing the law; and

WHEREAS, the updated definition clarifies the meaning of commercial vehicle and commercial transportation; and

WHEREAS, these updated definitions bring our local laws in compliance with federal regulations which will allow ASG's eligibility for significant federal grants; and

WHEREAS, regulations based on these definitions can now be instituted to help keep our highways safer.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 19.0101 is amended to read:

"19.0101 Definitions.

As used in this title unless the context otherwise requires, the following meanings apply:

(a) **"Commercial carrier" means a person operating a commercial means of conveyance on or between the islands of American Samoa, excluding aircraft, vessels, or a tramway.**

(b) **"Commercial transportation" means the transportation of passengers for compensation or property. Commercial transportation does not include:**

(1) transportation performed by any subdivision, including any semi-autonomous agency, of the American Samoa Government or the United States Government; or

(2) occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise; or

(3) transportation of human corpses; or

(4) transportation of sick or injured persons.

(c) "Commercial vehicle" means any automobile, automobile truck, motorbus, or other self-propelled or towed means of overland conveyance, including but not limited to any trailer, semitrailer or other device used as a means of conveyance, not operated upon fixed rails or tracks and; ~~used for the transportation of passengers for compensation.~~

(1) is used for commercial transportation; or

(2) has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or

(3) is designed or used to transport more than fifteen (15) passengers, including the driver, regardless of whether it is used for compensation; or

(4) is used to transport material designated as hazardous in accordance with 40 U.S.C. 5103 and is required to be placarded in accordance with regulations under 49 C.F.R., Subtitle B, Chapter I, Subchapter C.

(d) "Commission" means the Government Commerce Commission.

(e) "Vessel" means a watercraft, except longboats and paopaos, used or intended to be used as a means of transporting passengers or freight for profit."

Sec 2. 19.0104 is amended to read:

"19.0104 Regulations of and inspections by, Division of Public Safety.

(a) The Department of Public Safety may prescribe and enforce safety regulations for the operation of commercial carriers and require a periodic inspection of the equipment of every commercial carrier from the standpoint of enforcement of safety regulations. Such equipment shall be at all times subject to inspection by properly authorized representatives of the department.

(b) Vehicles used to transport eight or fewer passengers, including the driver, for commercial transportation shall not be subject to Federal Motor Carrier Safety Regulations or Federal Hazardous Material Regulations that are adopted by statute or regulation."

Sec 3. Effective date.

In accordance with Article II, Section 19 of the Revised Constitution of American Samoa this bill shall become effective 60 days after the end of the session at which it has been passed.



GAOTEOTE PALAIE TOFAU
President of the Senate



SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 14 day of Mar 20 19

Governor Of American Samoa