



LAWS OF ALASKA

2003

Source

CSHB 81(STA)

Chapter No.

AN ACT

Relating to motor vehicle emissions and to inspection decals and fines relating to motor vehicle emissions; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to motor vehicle emissions and to inspection decals and fines relating to motor
2 vehicle emissions; and providing for an effective date.

3 _____
4 * **Section 1.** AS 28.10.041(a) is amended to read:

5 (a) The department may refuse to register a vehicle if

6 (1) the application contains a false or fraudulent statement;

7 (2) the applicant fails to furnish information required by the
8 department;

9 (3) the applicant is not entitled to the issuance of a certificate of title or
10 registration under this chapter;

11 (4) the vehicle is determined to be mechanically unsafe to be driven or
12 moved on a highway, vehicular way or area, or other public property in the state;

13 (5) the department has reasonable grounds to believe that the vehicle
14 was stolen or fraudulently acquired or that the granting of registration would be a

1 fraud against the rightful owner or other person having a valid lien upon the vehicle;

2 (6) the registration of the vehicle has been suspended or revoked for
3 any reason under the laws of the state;

4 (7) the required fees or taxes have not been paid;

5 (8) the vehicle or applicant fails to comply with this chapter or
6 regulations implementing this section;

7 (9) the vehicle is without a certificate of inspection required under
8 AS 19.10.310;

9 (10) except for a vehicle to be registered under AS 28.10.152, the
10 vehicle is subject to a state-approved emission inspection program adopted under
11 AS 46.14.400 or 46.14.510, and the vehicle does not meet the standards of that
12 program [, UNLESS THE VEHICLE USES A FUEL SOURCE THAT DOES NOT
13 PRIMARILY EMIT CARBON MONOXIDE];

14 (11) the applicant fails to certify to the department the existence of a
15 motor vehicle liability policy that complies with AS 28.22.101 for the vehicle being
16 registered unless the owner of the vehicle qualifies as a self-insurer under
17 AS 28.20.400 or is exempted from obtaining liability insurance under AS 28.22.011.

18 * **Sec. 2.** AS 28.10.108(f) is amended to read:

19 (f) Upon request of the owner and payment of the proportionate prorated
20 applicable fees, a vehicle registered under this section shall have its registration period
21 extended in monthly increments to allow biennial registration to occur in the month of
22 the owner's choice, **except that registration may not extend beyond the expiration**
23 **of an emissions inspection and maintenance certificate required for the vehicle.**

24 Notwithstanding the other provisions of this chapter, upon request of the owner,
25 payment of the annual fee set out in AS 28.10.421(h), payment of any annual vehicle
26 registration tax due under AS 28.10.431(I), and, if applicable, payment of one-half of
27 the biennial emission control inspection program fee imposed under AS 28.10.423, the
28 department shall register a vehicle used for commercial purposes for a one-year
29 period.

30 * **Sec. 3.** AS 28.10.271(d) is amended to read:

31 (d) An emissions inspection and maintenance certificate

1 (1) shall be obtained when ownership of a vehicle subject to
2 registration under this chapter is transferred if the

3 (A) transferee resides in an area designated by the Department
4 of Environmental Conservation as an emissions inspection and maintenance
5 area;

6 (B) [VEHICLE WAS MANUFACTURED IN 1987 OR
7 EARLIER;

8 (C)] vehicle would be subject to an emissions inspection and
9 maintenance program; and

10 (C) [(D)] vehicle

11 (i) has not been inspected for emissions, or the existing
12 emissions inspection occurred more than two years ago; or

13 (ii) has a certificate of inspection, but the certificate
14 shows that the vehicle is not in compliance with program
15 requirements [AND MAINTENANCE CERTIFICATE IS MORE
16 THAN 12 MONTHS OLD];

17 (2) need not be obtained under (1) of this subsection if, when
18 ownership of vehicle is transferred,

19 (A) the transferor surrenders the vehicle's registration plates
20 and all evidence of registration in the transferor's possession or control to the
21 department; or

22 (B) the vehicle has a valid, existing emissions inspection and
23 maintenance program seasonal waiver and the purchaser signs a seasonal
24 waiver transfer acknowledgment form approved by the department.

25 * **Sec. 4.** AS 45.45.400(a) is amended to read:

26 (a) A person engaged in the business of selling used motor vehicles may not
27 transfer or assign the owner's title or interest in the used vehicle to a person who
28 resides in an area subject to a state-approved emission inspection program established
29 under AS 46.14.400 or 46.14.510 and who intends to use the vehicle in that area,
30 unless the vehicle displays a valid emissions inspection decal, has a valid record of
31 emissions inspection with the Department of Administration, or has a certificate

1 of inspection, even though the certificate shows that the vehicle is not in
2 compliance with program requirements [HAS A CERTIFICATE OF
3 COMPLIANCE OR NONCOMPLIANCE] as required under the air pollution control
4 requirements applicable in that area.

5 * **Sec. 5.** AS 46.14.400(j) is amended to read:

6 (j) A person who operates a motor vehicle in violation of emissions
7 requirements imposed under this section is guilty of a violation and, upon conviction,
8 shall be fined an amount not to exceed \$500 [\$200]. It is the intent of the legislature
9 that money collected under this subsection be appropriated to promote air quality
10 control programs in municipalities.

11 * **Sec. 6.** AS 46.14.510(b) is amended to read:

12 (b) Unless otherwise exempted by law, a person shall maintain in operating
13 condition any element of the air pollution control system or mechanism of a motor
14 vehicle that the department, by regulation, requires to be maintained in or on the motor
15 vehicle. [FAILURE TO MAINTAIN A REQUIRED SYSTEM OR MECHANISM
16 IN OPERATING CONDITION SUBJECTS THE MOTOR VEHICLE'S
17 REGISTRATION TO SUSPENSION OR CANCELLATION. A MOTOR VEHICLE
18 WHOSE REGISTRATION HAS BEEN SUSPENDED OR CANCELED UNDER
19 THIS SUBSECTION IS NOT ELIGIBLE FOR SUBSEQUENT REGISTRATION
20 UNTIL THE OWNER OR OPERATOR OBTAINS CERTIFICATION FROM THE
21 DEPARTMENT, BASED ON A DEMONSTRATION THAT THE AIR
22 POLLUTION CONTROL SYSTEM OR MECHANISM IS RESTORED TO
23 OPERATING CONDITION.]

24 * **Sec. 7.** AS 46.14.510(c) is amended to read:

25 (c) The department shall consult with the Department of Administration
26 regarding implementation of the motor vehicle pollution control program. The
27 Department of Administration shall cooperate with the department in implementing
28 the program. As a part of a motor vehicle pollution control program, the
29 department or a municipality that enforces a motor vehicle pollution control
30 program may determine if a vehicle is properly registered as required by law.

31 * **Sec. 8.** AS 46.14.510(f) is amended to read:

1 (f) A person who **fails to display an emissions inspection decal as required**
2 **by law** [OPERATES A MOTOR VEHICLE IN VIOLATION OF EMISSIONS
3 REQUIREMENTS IMPOSED UNDER THIS SECTION] is guilty of a violation and,
4 upon conviction, shall be fined **an amount not to exceed \$500** [\$200]. It is the intent
5 of the legislature that money collected under this subsection be appropriated to control
6 pollution from motor vehicle emissions.

7 * **Sec. 9.** This Act takes effect July 1, 2003.