

**HOUSE BILL NO. 403**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES BROWN, B.Davis

Introduced: 1/8/96

Referred: Transportation, Labor and Commerce, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to consumer protection involving contracts for the sale, transfer,  
2 or assignment of used motor vehicles and involving telephonic solicitations."

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

4 \* **Section 1.** AS 45.45.400(a) is amended to read:

5 (a) A person engaged in the business of selling used motor vehicles may not  
6 enter into a contract to sell, transfer, or assign a [THE OWNER'S TITLE OR  
7 INTEREST IN THE] used motor vehicle to a person who resides in an area subject  
8 to a state-approved emission inspection program established under AS 46.14.400 or  
9 46.14.510 and who intends to use the vehicle in that area, unless, before entering into  
10 the contract, the person engaged in the business of selling used motor vehicles

11 (1) provides the prospective buyer, transferee, or assignee with a  
12 valid copy of [THE VEHICLE HAS] a certificate of compliance or noncompliance for  
13 the vehicle as required under the air pollution control requirements applicable in that  
14 area; and

1                   (2) obtains from the prospective buyer, transferee, assignee, or the  
2                   agent of the prospective buyer, transferee, or assignee, a signed, written  
3                   acknowledgment that the prospective buyer, transferee, assignee, or the agent of  
4                   the prospective buyer, transferee, or assignee, has received a copy of the  
5                   certificate of compliance or noncompliance as required by (1) of this subsection.

6 \* **Sec. 2.** AS 45.63.080(14) is repealed and reenacted to read:

7                   (14) of property from a mail order catalog if the person making the  
8                   solicitation does not initiate contact with prospective customers by telephonic means,  
9                   if contact by telephonic means is initiated by the prospective customer in response to  
10                  the catalog, and if during the contact the person making the solicitation does not make  
11                  a further solicitation; in this paragraph,

12                               (A) "further solicitation" does not include providing the  
13                               prospective customer with information about, or attempting to sell, another item  
14                               included in the same mail order catalog that prompted the prospective  
15                               customer's contact;

16                               (B) "mail order catalog" means a publication that  
17   (i) is published one or more times a year;  
18   (ii) is delivered to prospective customers;  
19   (iii) describes or pictures the items for sale and  
20                               prominently provides the specific price of each item;  
21   (iv) includes the business name, address, and telephone  
22                               number of the person who owns and produces the publication;  
23   (v) includes instructions to prospective buyers on how  
24                               to order products from the publication;  
25   (vi) includes 10 or more pages of written material and  
26                               illustrations;  
27   (vii) is distributed in this state; and  
28   (viii) has an annual mail circulation of 10,000 or more  
29                               copies;