

**HOUSE BILL NO. 81**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE MEYER**

**Introduced: 2/7/03**

**Referred: Transportation, State Affairs**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to motor vehicle emissions; and providing for an effective date."**

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

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

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

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

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

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

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

12 (5) the department has reasonable grounds to believe that the vehicle  
13 was stolen or fraudulently acquired or that the granting of registration would be a  
14 fraud against the rightful owner or other person having a valid lien upon the vehicle;

15 (6) the registration of the vehicle has been suspended or revoked for

1 any reason under the laws of the state;

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

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

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

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

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

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

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

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

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

29 (d) An emissions inspection and maintenance certificate

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

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

4 (B) [VEHICLE WAS MANUFACTURED IN 1987 OR  
5 EARLIER;

6 (C) vehicle would be subject to an emissions inspection and  
7 maintenance program; and

8 (C) [(D)] vehicle

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

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

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

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

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

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

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

1 COMPLIANCE OR NONCOMPLIANCE] as required under the air pollution control  
2 requirements applicable in that area.

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

4 (j) A person who operates a motor vehicle in violation of emissions  
5 requirements imposed under this section is guilty of a violation and, upon conviction,  
6 shall be fined **\$500** [\$200]. It is the intent of the legislature that money collected  
7 under this subsection be appropriated to promote air quality control programs in  
8 municipalities.

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

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

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

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

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

30 (f) A person who **fails to display an emissions inspection decal as required**  
31 **by law** [OPERATES A MOTOR VEHICLE IN VIOLATION OF EMISSIONS

1           REQUIREMENTS IMPOSED UNDER THIS SECTION] is guilty of a violation and,  
2           upon conviction, shall be fined \$500 [\$200]. It is the intent of the legislature that  
3           money collected under this subsection be appropriated to control pollution from motor  
4           vehicle emissions.

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