

Introduced: 1/25/67
Referred: State Affairs

1 IN THE SENATE

BY BEGICH

2 SENATE BILL NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for periodic motor vehicle inspection; and providing for an effective date."

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

8 * Section 1. AS 28.35.230 is amended to read:

9 Sec. 28.35.230. PENALTY FOR VIOLATIONS OF LAW OR RULES AND
10 REGULATIONS. A person who violates secs. 30 - 110, 130 - 260 of this
11 chapter, AS 28.17.010, 28.17.030 - 28.17.040, 28.17.080 - 28.17.090,
12 [OR] AS 28.05.010 - 28.05.040 [,] or 28.05.060 or the rules and regu-
13 lations adopted under those sections is guilty of a misdemeanor and
14 upon conviction is punishable by a fine of not more than \$200, or by
15 imprisonment for not more than 90 days, or by both. In addition the
16 privilege to drive may be suspended or revoked.

17 * Sec. 2. AS 28.35.250 is amended to read:

18 Sec. 28.35.250. APPLICATION OF LAW. Secs. 30 - 110, 130 - 260
19 of this chapter, AS 28.17, [OR] AS 28.05.010 - 28.05.040 and [,OR]
20 28.05.060 [,] apply to streets of municipalities as well as to roads
21 and highways.

22 * Sec. 3. AS 28.35.260 is amended to read:

23 Sec. 28.35.260. DEFINITIONS. In secs. 30 - 110, 130 - 260 of
24 this chapter, AS 28.17, [AND] AS 28.05.010 - 28.05.040 [,] and
25 28.05.060, unless the context otherwise requires, the word "vehicle"
26 means every device capable of being moved upon a public highway and
27 in, upon, or by which any person or property is or may be transported
28 or drawn upon a public highway, excepting devices moved by human or
29

1 animal power or used exclusively upon stationary rails or tracks.

2 * Sec. 4. AS 28 is amended by adding a new chapter to read:

3 CHAPTER 17. MOTOR VEHICLE INSPECTION.

4 Sec. 28.17.010. SAFE CONDITION AND EQUIPMENT REQUIRED. No per-
5 son may drive or move on a highway a motor vehicle, trailer, semi-
6 trailer or pole trailer, or a combination thereof, unless its equip-
7 ment is in good working order and adjustment as required in this
8 chapter and the vehicle is in such safe mechanical condition as not to
9 endanger the driver or another person.

10 Sec. 28.17.020. INSPECTION UPON REASONABLE CAUSE. (a) The com-
11 missioner, a member of the state police or a uniformed police officer
12 of a local government unit, at any time upon reasonable cause to
13 believe that a vehicle is not in compliance with the inspection re-
14 quirements of this chapter or is not safe or not equipped as required,
15 or that its equipment is not in proper repair and adjustment, may
16 require the driver of the vehicle to stop and submit it to an in-
17 spection and appropriate test. When there is an accident, a police
18 officer may make or require inspection of the vehicles involved.

19 (b) If the vehicle is found to be in unsafe condition or if any
20 required equipment is not present or is not in proper repair and
21 adjustment the officer shall give a written notice to the driver and
22 shall send a copy to the department. This notice, prescribed by the
23 commissioner through appropriate regulation, shall direct that the
24 vehicle be placed in safe condition and its equipment in proper repair
25 and adjustment, specifying the particular deficiencies. The notice
26 shall also direct either that a certificate of inspection and approval
27 be obtained (if the extent, type and number of deficiencies warrant)
28 within seven days or that notification of the removal of the
29 deficiencies be certified by a police officer and forwarded to the

1 department within seven days.

2 (c) Upon receipt of a written notice directing that an inspection
3 be obtained or deficiencies be repaired or upon failure of the vehicle
4 to be approved upon inspection, an aggrieved owner or driver may
5 immediately appeal in writing to the commissioner for review which
6 shall be provided for by appropriate regulation. In this appeal the
7 appellant shall state specifically the basis of his grievance and his
8 grounds for relief.

9 Sec. 28.17.030. COMPLIANCE WITH INSPECTION LAWS. (a) No person
10 operating a vehicle on a public highway may refuse to submit the
11 vehicle to an inspection and test when required to do so in accordance
12 with sec. 20(a) and (b) of this chapter.

13 (b) Every owner or driver, upon receiving a notice as provided
14 in sec. 20 of this chapter, shall comply with the requirements of the
15 notice within seven days. In lieu of compliance with this subsection
16 the vehicle may not be operated except as provided in (c) of this
17 section.

18 (c) No person may operate a vehicle after receiving a notice
19 as provided in sec. 20 of this chapter except to return
20 the vehicle to the residence or place of business of the owner or
21 driver, if within 20 miles, or to a garage, until the vehicle and its
22 equipment have been made to conform to the requirements of the notice.

23 (d) If a vehicle is found to be in such unsafe condition that its
24 further operation would constitute a hazard to the driver or another
25 person it may not be operated under its own power thereafter until
26 it is placed in safe condition and its equipment in proper repair and
27 adjustment.

28 (e) If repair or adjustment of a vehicle or its equipment is
29 found necessary upon inspection by an officer or official inspection

1 station the owner or driver of the vehicle may obtain the repair or
2 adjustment at any place he may choose, but in every case he shall
3 obtain an official certificate of inspection and approval, except that
4 notification of removal of deficiencies shall suffice in cases of
5 specific deficiencies. If the certificate is not obtained or the
6 notification not forwarded to the department the vehicle may not be
7 operated upon the highways of this state.

8 Sec. 28.17.040. PERIODIC INSPECTION REQUIRED. (a) Once each year
9 every motor vehicle, trailer, semi-trailer and pole trailer registered
10 in this state shall be inspected and for each vehicle an official
11 certificate of inspection and approval shall be obtained, all in accord-
12 ance with regulations of the department. A vehicle which is in an ac-
13 cident shall be inspected and an official certificate of inspection
14 and approval shall be obtained when so directed by a police officer.

15 (b) Every vehicle issued a certificate of inspection and
16 approval under this chapter shall at all times display the currently
17 valid certificate, or other officially prescribed evidence of its
18 issuance, in a position, designated by regulations of the department,
19 visible from the outside of the vehicle.

20 (c) The inspections shall be made of and certificates obtained
21 for the exhaust system, steering mechanism, headlights (low and high
22 beam), taillights, brake lights, directional signals, brakes (service
23 and emergency), tires, windshield and window glass, mirror, windshield
24 wipers, seat belts, auditory warning devices and other equipment,
25 the proper functioning of which is found by the department to be
26 necessary for the safe operation of the vehicle.

27 (d) The commissioner may authorize the acceptance in this state
28 of a certificate of inspection and approval issued in another state
29 having an inspection law similar to this chapter, and may extend the

1 time within which a certificate shall be obtained by the resident
2 owner of a vehicle which was not in this state during the time an in-
3 spection was required. This chapter does not prohibit the inspection
4 by an official Alaska inspection station of a vehicle registered in
5 another state or country and legally operated in this state, and the
6 issuance and display of a certificate of inspection and approval so
7 long as all requirements for Alaska-registered vehicles are met by the
8 foreign vehicle inspected.

9 (e) The commissioner may notify the commissioner of revenue and
10 the commissioner of revenue shall suspend the registration of a
11 vehicle which the commissioner of public safety determines is in such
12 unsafe condition as to constitute a menace to safety or which, after
13 written notice has been served, is not equipped or repaired as required
14 or for which a required certificate has not been obtained.

15 Sec. 28.17.050. OFFICIAL INSPECTION STATIONS. (a) For the
16 purpose of making inspections and issuing official certificates of
17 inspection and approval the commissioner shall issue permits for
18 and furnish instructions and all necessary forms to official inspec-
19 tion stations. These permits are to be renewed annually.

20 (b) Application for a permit and for a renewal shall be made upon
21 an official form and shall be granted only when the commissioner is sat-
22 isfied that the station is properly equipped and has competent personnel
23 to make the inspections and adjustments and that they will be conducted
24 properly.

25 (c) The commissioner, before issuing a permit or renewal, shall
26 require the applicant to file a bond conditioned that it will make
27 compensation for damage to a vehicle during an inspection or adjust-
28 ment, due to negligence or willful misconduct of the applicant or his
29 employees.

1 (d) An annual fee, set by regulation, shall not exceed \$25 and
2 shall accompany the application for a permit and for renewal. The
3 official certificates of inspection and approval shall be obtained
4 from the department for 25 cents per certificate. If a permit or
5 renewal is not issued one-half of the fee shall be returned to the
6 applicant. Unused certificates may be returned to the department for
7 a credit or refund. Money collected by the department under this
8 chapter shall be put into the state treasury. General fund money
9 shall be used by the department in the enforcement of this chapter.

10 (e) The commissioner shall supervise and cause inspections to be
11 made of the stations and, after proceedings under AS 44.62, shall
12 revoke the permit issued to a station which he finds is not properly
13 equipped or conducted. Pending the required hearing, the permit shall
14 be suspended. The commissioner shall maintain and post at the office
15 of the department lists of all stations holding permits and of those
16 whose permits have been revoked.

17 Sec. 28.17.060. OPERATION OF OFFICIAL INSPECTION STATIONS. The
18 person operating an official inspection station shall issue a certifi-
19 cate of inspection and approval upon an official form to the owner or
20 driver of a vehicle upon inspecting it and determining that it is in
21 safe condition and its equipment is in proper repair and adjustment,
22 as required under this chapter, otherwise no certificate shall be
23 issued. Records shall be kept of every inspection made and certificate
24 issued. A copy of these records shall be forwarded to the department
25 at the times specified by the commissioner in appropriate regulations.

26 Sec. 28.17.070. FEE. An inspection fee of \$2.25 shall be charged
27 for each inspection, except in the case of a motorcycle, motorscooter
28 or a motorbicycle, for which a fee of \$1 shall be charged. No charge
29 may be assessed for a re-inspection made after obtaining equipment or

1 making repairs as indicated necessary by the original inspection, if
2 made within seven days of the original inspection. A simple receipt,
3 upon which the inspector has described the vehicle and listed its li-
4 cense number, shall suffice as evidence of the original inspection.

5 **Sec. 28.17.080. IMPROPER REPRESENTATION AS OFFICIAL STATION. (a)**

6 No person may represent a place as an official inspection station unless
7 it is operated by the department or is operating under a valid permit
8 issued by the department.

9 (b) No person other than an authorized officer or employee of
10 the department may issue a certificate of inspection and approval
11 unless holding a currently valid permit.

12 **Sec. 28.17.090. FALSE CERTIFICATES. (a)** No person may make,
13 issue or knowingly use an imitation or counterfeit of an official
14 certificate of inspection and approval or other officially prescribed
15 evidence of its issuance.

16 (b) No person may display or cause or permit to be displayed on
17 a vehicle under his control a certificate of inspection and approval
18 knowing it to be fictitious or issued for another vehicle or issued
19 without an inspection having been made.

20 **Sec. 28.17.100. DEFINITIONS. In this chapter**

21 (1) "commissioner" means the commissioner of public safety;

22 (2) "department" means the Department of Public Safety.

23 * Sec. 5. AS 28.35.210 is repealed.

24 * Sec. 6. This Act takes effect January 1, 1968.