

Introduced: 1/16/70
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY SWEET

2 HOUSE BILL NO. 479

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

10 Sec. 28.35.230. PENALTY FOR VIOLATIONS OF LAW OR RULES AND
11 REGULATIONS. A person who violates secs. 30 - 110, 130 - 260 of this
12 chapter, AS 28.19.010, 28.19.030, 28.19.040, 28.19.080, 28.19.090,
13 [OR] AS 28.05.010 - 28.05.040 [,] or 28.05.060 or the rules and regu-
14 lations adopted under those sections is guilty of a misdemeanor and
15 upon conviction is punishable by a fine of not more than \$200, or by
16 imprisonment for not more than 90 days, or by both. In addition the
17 privilege to drive may be suspended or revoked.

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

19 Sec. 28.35.250. APPLICATION OF LAW. Secs. 30 - 110, 130 - 260
20 of this chapter, AS 28.19, [OR] AS 28.05.010 - 28.05.040 and [, OR]
21 28.05.060 [,] apply to streets of municipalities as well as to roads
22 and highways.

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

24 Sec. 28.35.260. DEFINITIONS. In secs. 30 - 110, 130 - 260 of
25 this chapter, AS 28.19, [AND] AS 28.05.010 - 28.05.040 [,] and
26 28.05.060, unless the context otherwise requires, the word "vehicle"
27 means every device capable of being moved upon a public highway and
28 in, upon, or by which any person or property is or may be transported
29 or drawn upon a public highway, excepting devices moved by human or

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 19. MOTOR VEHICLE INSPECTION.

4 Sec. 28.19.010. 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. 28.19.020. INSPECTION UPON REASONABLE CAUSE. (a) The com-
11 missioner, a member of the state troopers or a uniformed peace 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 peace
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 by regulation, shall direct that the vehicle be placed
24 in safe condition and its equipment in proper repair and adjustment,
specifying the particular deficiencies. The notice shall also
27 direct either that a certificate of inspection and approval be obtained
(if the extent, type and number of deficiencies warrant) within seven
28 days or that notification of the removal of the deficiencies be
29 certified by a peace officer and forwarded to the department within

1 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 in
6 accordance with regulations adopted by the commissioner. In this
7 appeal the appellant shall state specifically the basis of his grievance
8 and his grounds for relief.

9 Sec. 28.19.03b. 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. Without 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 the vehicle
20 to the residence or place of business of the owner or driver, if within
21 20 miles, or to a garage, until the vehicle and its equipment have
22 been made to conform to the requirements stated in 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 until it is placed
26 in safe condition and its equipment in proper repair and adjustment.

27 (e) If repair or adjustment of a vehicle or its equipment is
28 found necessary upon inspection by an officer or official inspection
29 station the owner or driver of the vehicle may obtain the repair or

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

7 Sec. 28.19.040. PERIODIC INSPECTION REQUIRED. (a) Once each year
8 every motor vehicle, trailer, semi-trailer and pole trailer registered
9 in this state shall be inspected and for each vehicle an official
10 certificate of inspection and approval shall be obtained, all in accord-
11 ance with regulations of the department. A vehicle which is in an ac-
12 cident shall be inspected and an official certificate of inspection
13 and approval shall be obtained when so directed by a police officer.

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

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

26 (d) The commissioner may authorize the acceptance in this state
27 of a certificate of inspection and approval issued in another state
28 having an inspection law similar to this chapter, and may extend the
29 time within which a certificate shall be obtained by the resident

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

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

14 Sec. 28.19.050 OFFICIAL INSPECTION STATIONS. (a) For the
15 purpose of making inspections and issuing official certificates of
16 inspection and approval the commissioner shall issue permits for
17 and furnish instructions and all necessary forms to official inspec-
18 tion stations. These permits are to be renewed annually.

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

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

29 (d) An annual fee, set by regulation, may not exceed \$25 and

1 shall accompany the application for a permit and for renewal. The
2 official certificates of inspection and approval shall be obtained
3 from the department for 25 cents per certificate. If a permit or
4 renewal is not issued, one-half of the fee shall be returned to the
5 applicant. Unused certificates may be returned to the department for
6 a credit or refund. Money collected by the department under this
7 chapter shall be put into the state treasury.

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

15 Sec. 28.19.060. OPERATION OF OFFICIAL INSPECTION STATIONS. The
16 person operating an official inspection station shall issue a certifi-
17 cate of inspection and approval upon an official form to the owner or
18 driver of a vehicle upon inspecting it and determining that it is in
19 safe condition and its equipment is in proper repair and adjustment,
20 as required under this chapter; otherwise no certificate shall be
21 issued. Records shall be kept of every inspection made and certificate
22 issued. A copy of these records shall be forwarded to the department
23 at the times specified by the commissioner by regulation.

24 Sec. 28.19.070. FEE. An inspection fee of \$2.25 shall be charged
25 for each inspection, except in the case of a motorcycle, motorscooter
26 or a motorbicycle, for which a fee of \$1 shall be charged. No charge
27 may be assessed for a re-inspection made after obtaining equipment or
28 making repairs as indicated necessary by the original inspection, if
29 made within seven days of the original inspection. A simple receipt,

1 upon which the inspector has described the vehicle and set out its
2 license number, shall suffice as evidence of the original inspection.

3 Sec. 28.19.080. ✓ IMPROPER REPRESENTATION AS OFFICIAL STATION. (a)
4 No person may represent a place as an official inspection station unless
5 it is operated by the department or is operating under a valid permit
6 issued by the department.

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

10 Sec. 28.19.090. ✓ FALSE CERTIFICATES. (a) No person may make,
11 issue or knowingly use an imitation or counterfeit of an official
12 certificate of inspection and approval or other officially prescribed
13 evidence of its issuance.

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

18 Sec. 28.19.100. ✓ DEFINITIONS. In this chapter

19 (2) "department" means eans the commissioner of public safety;

20 AS 28.35.210 is repealed. ns the Department of Public Safety.

21 * Sec. 5. AS 28.35.210 is repealed.

22 * Sec. 6. This Act takes effect January 1, 1971.