

Introduced: 1/11/73
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY J. MILLER, HARTIG AND
FISCHER

2 CS HOUSE BILL NO. 45

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle inspection."

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

8 * Section 1. AS 28 is amended by adding a new chapter to read:

9 CHAPTER 12. MOTOR VEHICLE INSPECTION.

10 Sec. 28.12.010. PURPOSE. This chapter is intended as a "pilot"
11 motor vehicle inspection Act and as a means by which the state can gain
12 the experience necessary to promulgate a complete and comprehensive
13 inspection program. The requirements of this chapter are minimal but
14 they accomplish two immediate and necessary goals. The first is that
15 used vehicles within the state and those entering the state are deter-
16 mined to be safe for driving on the highways of the state and that
17 commercial vehicles are maintained in safe condition. Secondly, a clear
18 relationship is established between the motor vehicle and the documents
19 of ownership on the vehicle for the purpose of reducing the transfer
20 of stolen motor vehicles.

21 Sec. 28.12.020. INSPECTION REQUIRED FOR CERTAIN VEHICLES. (a)
22 No application for original title and registration or for transfer of
23 title and registration of a used motor vehicle may be accepted by the
24 Department of Revenue unless the vehicle has been inspected by a
25 qualified motor vehicle inspector and determined to be in good working
26 order and adjustment and in a safe mechanical condition as required
27 under this chapter. An application for original or transfer of title
28 and registration of a used motor vehicle shall be accompanied by a
29 valid certificate of inspection.

1 (b) No application for the yearly re-registration of a commercial
2 vehicle may be accepted by the Department of Revenue unless the vehicle
3 has been inspected, within a period not to exceed four months preceding
4 the application, by a qualified motor vehicle inspector and determined
5 to be in good working order and adjustment and in a safe mechanical
6 condition as required under this chapter.

7 Sec. 28.12.030. INSPECTION COVERAGE. (a) The inspection of a
8 motor vehicle shall be made of and a certificate obtained for the
9 headlights (low and high beam), taillights, brake lights, directional
10 signals, windshield and window glass, windshield wipers, defroster and
11 related heating unit, mirror, brakes (service and emergency), exhaust
12 system, steering, front suspension, wheel alignment, tires, frame and
13 body, auditory warning devices and other equipment, the proper function-
14 ing of which is found by the Department of Public Safety to be necessary
15 for the safe operation of the vehicle.

16 (b) The Department of Public Safety shall adopt regulations
17 under the Administrative Procedure Act (AS 44.62) adopting the minimum
18 standards under sec. 40 of this chapter that a motor vehicle must
19 comply with in a motor vehicle inspection.

20 Sec. 28.12.040. MINIMUM STANDARDS. The following are the minimum
21 standards for motor vehicles subject to inspection under this chapter:

22 (1) Headlights. A motor vehicle shall have at least two
23 headlights. All units must be either standard equipment for the
24 vehicle or of a type common and approved, and shall be properly aimed.
25 Where facilities are available for testing, the headlights shall be
26 tested to show a reading of at least 5,000 candlepower on high beam
27 on the output meter. Headlights shall be in good and undamaged condi-
28 tion and the controls in working order.

29 (2) Taillights. 1953 and later model vehicles shall have

1 at least two taillights, one on each side of the rear, which must be
2 standard equipment for the type of vehicle or a type common and approved,
3 firmly affixed to the vehicle. The taillights shall be in good and
4 undamaged condition, and the controls in working order.

5 (3) Brake lights. 1952 and earlier model vehicles shall
6 have at least one stoplight in the rear. 1953 and later model
7 vehicles shall be equipped with at least two stoplights, one on each
8 side. Each shall display a red to amber light plainly visible from
9 the rear when the brake is applied. Stoplights shall be in good and
10 undamaged condition and the brake controls in working order.

11 (4) Directional signals, front and rear. 1953 and later
12 model vehicles shall have directional signal lights. All units must
13 be standard to the vehicle or a type common and approved, firmly
14 affixed to the vehicle. The cab controls, switches, and lights shall
15 be in good and undamaged condition and in working order.

16 (5) Windshield and window glass. A motor vehicle shall be
17 equipped with a common and approved type of safety glass, and none of
18 the glass may be broken, nor may any of the glass be fractured, dis-
19 colored, blemished or covered over more than five per cent of the
20 entire surface, or in a place which obscures the driver's vision to a
21 noticeable degree.

22 (6) Windshield wipers. 1953 and later model vehicles shall
23 be equipped with two windshield wipers. The blades shall be in good
24 and undamaged condition, the power units operable, and the cab controls
25 in operating condition so that the entire unit is in good working order
26 and effective in its function.

27 (7) Defroster and related heating unit. 1964 and later
28 model motor vehicles shall be equipped with a defrosting device and a
29 related device to provide heat. The defrosting device, heating unit,

1 and all related parts and appurtenances including hoses, thermostats,
2 cab controls, shall be in good working order and unobstructed so as to
3 be effective in its function during extremely cold weather.

4 (8) Mirror. Every motor vehicle shall be equipped with a
5 rear view mirror in good and undamaged condition.

6 (9) Service and emergency brakes. A motor vehicle shall be
7 equipped with brakes adequate to control the movement of and to stop
8 and to hold the vehicle, including two means of applying the brakes,
9 each of which means shall be effective to apply the brakes to at least
10 two wheels, and constructed so that no part which is liable to failure
11 is common to the two. Brakes shall be maintained at all times in good
12 working order. Brakes, to be termed in working order, shall qualify
13 in the following respects:

14 (A) The maximum stopping distance from a speed of 20
15 miles per hour on dry asphalt or concrete pavement free from
16 loose materials shall be:

	maximum stopping distance
(i) two wheel service brakes	40 feet
(ii) four or more wheel service brakes for vehicles to 7,000 lbs. gross weight	35 feet
(iii) four or more wheel service brakes for vehicles over 7,000 lbs. gross weight	35 feet
(iv) emergency brakes for vehicles to 7,000 lbs. gross weight	55 feet
(v) emergency brakes for vehicles over 7,000 lbs. gross weight	65 feet

28 (B) Braking distance specified in (A) of this paragraph
29

1 shall apply to motor vehicles whether unloaded or loaded to the
2 maximum capacity stated by the manufacturer and the retarding
3 force on one side may not exceed the retarding force on the other
4 to a degree that when the brakes are applied there is a swerve or
5 pull to one side or the other.

6 (C) Trailers and semitrailers with a carrying capacity
7 of more than 10,000 pounds shall be equipped on each wheel with
8 brakes that can be operated from the driving position of the
9 towing vehicle.

10 (10) Exhaust systems. A motor vehicle shall be equipped with
11 a muffler in good working order and in constant operation to prevent
12 excessive or unusual noise and annoying smoke, and the tail pipe and
13 other parts or appurtenances necessary to proper exhaust are in good
14 condition and firmly affixed in a normally acceptable manner. With
15 the engine running at idle and at one-fourth speed, there may be no
16 excessive, visually noticeable and continuous discharge of smoke and
17 fumes from the tail pipe or crankcase ventilating system.

18 (11) Steering, front suspension, wheel alignment. With the
19 front wheels of the vehicle in a straight ahead position, the steering
20 wheel may not have more than two inches of free play for steering
21 wheels up to 18 inches in diameter, and three inches of free play for
22 steering wheels more than 18 inches in diameter. There may be no tight-
23 ness or binding when the steering wheel is turned to extreme right or
24 left. When checked visually, the front wheels may not be out of line,
25 axles or front end assembly may not be bent or twisted; bolts or nuts
26 or rivets may not be loose or missing or in a deteriorated condition
27 due to rust. A power steering system may not show visible leaks, and
28 the power system fan belt may not be worn or loose.

29 (12) Tires. The tires of the motor vehicle shall have

1 one/sixteenth inch of tread at the center of the circumference, and
2 there may be no breaks, bubbles, or protrusions from the tires.

3 (13) Frame and body. The frame of the motor vehicle may not
4 be bent, warped or twisted out of alignment; springs and shock absorbers
5 shall be in good condition, working properly and firmly attached.
6 Doors when closed shall remain firmly closed.

7 Sec. 28.12.050. MOTOR VEHICLE INSPECTORS. (a) Officers of the
8 Department of Public Safety, the Department of Revenue and the Depart-
9 ment of Commerce who are designated by the commissioners of those
10 departments and motor vehicle dealers and motor vehicle repairmen who
11 are designated by the director of the division of motor vehicles in
12 the Department of Revenue are qualified motor vehicle inspectors.

13 (b) Qualified motor vehicle inspectors shall inspect all motor
14 vehicles required to be inspected under this chapter for the items of
15 equipment specified under sec. 30(a) of this chapter and to insure that
16 the equipment meets the standards in the regulations of the Department
17 of Public Safety.

18 (c) Every motor vehicle passing the inspection shall be issued
19 an original and duplicate certificate of inspection and approval in
20 accordance with regulations of the Department of Revenue. The original
21 certificate, or other officially prescribed evidence of its issuance,
22 shall at all times be displayed on the motor vehicle. The duplicate
23 certificate shall be sent to the Department of Revenue when the motor
24 vehicle is registered or title and registration is transferred.

25 Sec. 28.12.060. COMPARISON OF MOTOR VEHICLE DESCRIPTION AND
26 IDENTIFICATION. When conducting an inspection, a motor vehicle
27 inspector shall compare the motor vehicle description and identification
28 numbers to those shown on any available documents or evidence of owner-
29 ship and shall notify the Department of Revenue of any discrepancies

1 or differences.

2 Sec. 28.12.070. MOTOR VEHICLES NOT PASSING INSPECTION. If repair
3 or adjustment of a vehicle or its equipment is found necessary upon
4 inspection, the owner or driver shall obtain the repair or adjustment,
5 resubmit the vehicle for inspection, and pass the inspection before a
6 certificate of inspection may be issued.

7 Sec. 28.12.080. FEES. A fee of \$10 shall be charged the applicant
8 for each inspection and the fee, when collected by an employee of the
9 state, shall be paid to the Department of Revenue. When the inspection
10 is performed by a motor vehicle dealer or motor vehicle repairman, the
11 fee shall be retained as compensation for the service performed.

12 Sec. 28.12.090. RECORDS. A motor vehicle inspector shall retain
13 those records required, and in the manner prescribed by, the Department
14 of Revenue.

15 Sec. 28.12.100. MOTOR VEHICLE DEALERS. A motor vehicle dealer,
16 before taking custody for resale or a motor vehicle required to be
17 inspected under this chapter, shall inspect the vehicle if he is quali-
18 fied to do so or have it inspected by a qualified inspector.

19 Sec. 28.12.110. EXCEPTIONS TO APPLICATION OF THIS CHAPTER. Motor
20 vehicles, otherwise subject to the provisions of this chapter, which are
21 located and used exclusively in remote and isolated areas of the state,
22 as defined in sec. 120 of this chapter, are exempt from the provisions
23 of this chapter. However, the governing body of a home rule or general
24 law municipality in a remote and isolated area of the state may by
25 ordinance adopt part or all of this chapter as may be considered neces-
26 sary or desirable. If an ordinance is adopted under this section, a
27 copy of it shall be mailed or delivered to the Department of Revenue
28 where it shall be filed and indexed.

29 Sec. 28.12.120. REMOTE AND ISOLATED AREAS DEFINED. "Remote and

1 isolated areas" means any area of the state not having access by highway
2 to an interstate highway or not connected by highway to a city or town
3 having a population in excess of 4,500 persons. The director of the
4 division of motor vehicles in the Department of Revenue shall adopt
5 regulations under the Administrative Procedure Act (AS 44.62) which
6 specifically define those areas of the state which are "remote and
7 isolated".

8 Sec. 28.12.130. FALSE OR MISLEADING STATEMENTS. A person who
9 wilfully and with intent to conceal or misrepresent the identity or
10 condition of a motor vehicle, makes a false or misleading statement
11 in connection with the inspection of a motor vehicle is guilty of a
12 felony, and upon conviction is punishable by imprisonment for not more
13 than two years, or by a fine of not more than \$2,000, or by both.

14 Sec. 28.12.140. DEFINITIONS. In this chapter

15 (1) "commercial vehicle" means any motor vehicle used by the
16 owner or his employee or agent in an activity for profit, whether
17 personal, professional, or corporate, or where the vehicle is subject
18 to the regulations under, and the owner required to pay fees by, the
19 "Alaska Motor Freight Carrier Act" (AS 42.10);

20 (2) "motor vehicle" means a used motor vehicle and includes
21 every self-propelled device in, upon or by which a person or property
22 is or may be transported or drawn upon a highway, except motorcycles,
23 track type vehicles and vehicles which are prohibited from operating
24 on highways; however, used trailers and semitrailers with a carrying
25 capacity of more than 10,000 pounds are included in the definition of
26 motor vehicle for the purposes of inspection of brakes, taillights,
27 brake lights and directional signals;

28 (3) "motor vehicle dealers" means a dealer as defined in
29 AS 28.10.650(2);

1 (4) "motor vehicle repairman" means a person actively
2 engaged and licensed to do business as a mechanic or service station
3 operator;

4 (5) "used motor vehicle" means a motor vehicle which has
5 been bargained, exchanged, given away, sold or has had its title
6 transferred from the person who first took out title to it from the
7 manufacturer or importer or his dealer or agent, and is so used as to
8 have become what is commonly known as "second-hand" within the
9 ordinary meaning of the word.

10 * Sec. 2. AS 28.10.050(a) is amended by adding a new paragraph to read:

11 (6) when required under AS 28.12, a copy of the certificate
12 of inspection.

13 * Sec. 3. AS 28.10.060 is amended to read:

14 Sec. 28.10.060. VEHICLES REGISTERED ELSEWHERE. Upon registering
15 a vehicle registered in another state or country, the applicant shall
16 surrender to the department all certificates of registration, or other
17 evidence of registration which is in his possession or control. How-
18 ever, if in the course of interstate operation of a vehicle registered
19 in another state it is desirable to retain registration of the vehicle
20 in the other state, the applicant need not surrender the evidence of
21 foreign registration but shall submit it for inspection, and the
22 department upon a proper showing shall register the vehicle. However,
23 the department shall not issue a certificate of title for the vehicle.
24 If the registered or legal owner cannot surrender the out-of-state
25 title, or in the case of a nontitle state, the registration certificate,
26 because of an encumbrance or otherwise, the department shall register
27 the motor vehicle in the usual manner and shall mark the State of Alaska
28 registration certificate "No Alaska Title Issued." However, the
29 applicant shall obtain and submit a certificate of inspection required

1 under AS 28.12.

2 * Sec. 4. AS 28.10.100 is amended by adding a new paragraph to read:

3 (5) that if required under AS 28.12, a certificate of
4 inspection has not been submitted to the department.

5 * Sec. 5. AS 28.10.390 is amended to read:

6 Sec. 28.10.390. TRANSFER TO DEALER. When the owner of a registered
7 vehicle transfers or assigns his title or interest to a dealer, the
8 transferor shall merely endorse the certificate of title. The dealer
9 is not required to present the certificate of registration or certifi-
10 cate of title to the department, as provided in sec. 360 of this
11 chapter, until the vehicle is transferred by the dealer. However,
12 the dealer shall immediately notify the department that the vehicle
13 has been transferred to him and transmit a copy of the certificate of
14 inspection, if required under AS 28.12.