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Offered: 2/22/73  
Referred: Judiciary

1 IN THE HOUSE BY THE COMMERCE COMMITTEE  
2 CS FOR 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 motor 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 are  
17 maintained in safe condition. Secondly, a clear relationship is estab-  
18 lished between the motor vehicle and the documents of ownership on the  
19 vehicle for the purpose of reducing the transfer of stolen motor  
20 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 motor vehicle required to be inspected under  
24 this chapter may be accepted by the Department of Revenue unless the  
25 vehicle has been inspected by a qualified motor vehicle inspector within  
26 a period not to exceed four months preceding the application and deter-  
27 mined to be in good working order and adjustment and in a safe mechanical  
28 condition as required under this chapter. An application for original or  
29 transfer of title and registration of a motor vehicle shall be

1 accompanied by a valid certificate of inspection.

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

9 (c) A new motor vehicle shall be issued a motor vehicle inspection  
10 certificate without an inspection.

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

20 (b) The Department of Public Safety shall adopt regulations  
21 under the Administrative Procedure Act (AS 44.62) adopting the minimum  
22 standards under sec. 40 of this chapter that a motor vehicle must  
23 comply with in a motor vehicle inspection and other regulations necessary  
24 to carry out the purposes of this chapter.

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

27 (1) Headlights. A motor vehicle shall have at least two  
28 headlights. All units must be either standard equipment for the  
29 vehicle or of a type common and approved, and shall be properly aimed.

1 Where facilities are available for testing, the headlights shall be  
2 tested to show a reading of at least 5,000 candlepower on high beam  
3 on the output meter. Headlights shall be in good and undamaged condi-  
4 tion and the controls in working order.

5 (2) Taillights. 1953 and later model vehicles shall have  
6 at least two taillights, one on each side of the rear, which must be  
7 standard equipment for the type of vehicle or a type common and approved,  
8 firmly affixed to the vehicle. The taillights shall be in good and  
9 undamaged condition, and the controls in working order.

10 (3) Brake lights. 1952 and earlier model vehicles shall  
11 have at least one stoplight in the rear. 1953 and later model vehicles  
12 shall be equipped with at least two stoplights, one on each side. Each  
13 shall display a red to amber light plainly visible from the rear when  
14 the brake is applied. Stoplights shall be in good and undamaged con-  
15 dition and the brake controls in working order.

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

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

27 (6) Windshield wipers. 1953 and later model vehicles shall  
28 be equipped with two windshield wipers. The blades shall be in good  
29 and undamaged condition, the power units operable, and the cab controls

1 in operating condition so that the entire unit is in good working order  
2 and effective in its function.

3 (7) Defroster and related heating unit. 1964 and later  
4 model motor vehicles shall be equipped with a defrosting device and a  
5 related device to provide heat. The defrosting device, heating unit,  
6 and all related parts and appurtenances, including hoses and cab con-  
7 trols, shall be in good working order and unobstructed so as to be  
8 effective in their function during extremely cold weather.

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

11 (9) Service and emergency brakes. A motor vehicle shall be  
12 equipped with brakes adequate to control the movement of and to stop  
13 and to hold the vehicle, including two means of applying the brakes,  
14 each of which means shall be effective to apply the brakes to at least  
15 two wheels, and constructed so that no part which is liable to failure  
16 is common to the two. Brakes shall be maintained at all times in good  
17 working order. Brakes, to be termed in working order, shall qualify by  
18 a brake pedal depression measurement. Commercial trailers and semi-  
19 trailers shall be equipped on each wheel with brakes that can be  
20 operated from the driving position of the towing vehicle.

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

29 (11) Steering, front suspension, wheel alignment. With the

1 front wheels of the motor vehicle in a straight ahead position, the  
2 steering wheel may not have more than a total of two inches of free  
3 play for steering wheels up to 18 inches in diameter, and a total of  
4 three inches of free play for steering wheels more than 18 inches in  
5 diameter. A commercial vehicle shall comply with federal standards  
6 for free play as published by the department. There may be no tight-  
7 ness or binding when the steering wheel is turned to extreme right or  
8 left. When checked visually, the front wheels may not be out of line,  
9 axles or front end assembly may not be bent or twisted; bolts or nuts  
10 or rivets may not be loose or missing or in a deteriorated condition  
11 due to rust. A power steering system may not show visible leaks, and  
12 the power system fan belt may not be worn or loose.

13 (12) Tires. The tires of the motor vehicle shall have not  
14 less than 2/32 of an inch minimum tire tread depth measured in any two  
15 major grooves at three locations spaced equally around the tire, and  
16 there may be no ply or cord exposed, no break repaired with a boot, nor  
17 any lump, bulge or knot affecting the tire structure.

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

22 Sec. 28.12.050. MOTOR VEHICLE INSPECTION STATIONS AND INSPECTORS.

23 (a) Motor vehicle dealers, service stations and motor vehicle repair  
24 shops which are designated by the department and licensed under regula-  
25 tions of the department are qualified motor vehicle inspection stations.  
26 Employees of the establishments under this subsection who are licensed  
27 under regulations of the department and officers of the department who  
28 are designated by the commissioner are qualified motor vehicle  
29 inspectors.

1 (b) The department shall conduct periodic inspections of qualified  
2 motor vehicle inspection stations as may be necessary to insure that the  
3 provisions of this chapter and regulations adopted under it are carried  
4 out.

5 (c) Qualified motor vehicle inspectors shall inspect all motor  
6 vehicles required to be inspected under this chapter for the items of  
7 equipment specified under sec. 30(a) of this chapter and to insure that  
8 the equipment meets the standards in the regulations of the Department  
9 of Public Safety.

10 (d) Every motor vehicle passing the inspection shall be issued  
11 an original and duplicate certificate of inspection and approval in  
12 accordance with regulations of the department. The original certificate  
13 or other officially prescribed evidence of its issuance, shall at all  
14 times be displayed on the motor vehicle. The duplicate certificate shall  
15 be sent to the Department of Revenue when the motor vehicle is registered  
16 or re-registered or title and registration is transferred.

17 (e) Commercial carriers of freight or passengers which are auth-  
18 orized under regulations of the department to perform inspections may  
19 perform inspections on their own vehicles and issue inspection certif-  
20 icates.

21 Sec. 28.12.060. COMPARISON OF MOTOR VEHICLE DESCRIPTION AND  
22 IDENTIFICATION. When conducting an inspection, a motor vehicle  
23 inspector shall compare the motor vehicle description and identification  
24 numbers to those shown on any available documents or evidence of owner-  
25 ship and shall notify the department of any discrepancies or differ-  
26 ences.

27 Sec. 28.12.070. MOTOR VEHICLES NOT PASSING INSPECTION. If repair  
28 or adjustment of a vehicle or its equipment is found necessary upon  
29 inspection, the owner or driver shall obtain the repair or adjustment

1 within 45 days of the inspection, resubmit the vehicle for inspection,  
2 and pass the inspection before a certificate of inspection may be  
3 issued.

4 Sec. 28.12.080. FEES. A fee of \$10 shall be charged the applicant  
5 for each inspection and the fee, when collected by an employee of the  
6 state, shall be paid to the Department of Revenue for deposit in the  
7 general fund. When the inspection is performed by a motor vehicle  
8 dealer, motor vehicle repairman, or a carrier authorized to perform  
9 inspections under sec. 50(e) of this chapter, \$7 of the fee shall be  
10 retained as compensation for the service performed and \$3 shall be paid  
11 to the Department of Revenue for deposit in the general fund.

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 selling a motor vehicle required to be inspected under this  
17 chapter, shall inspect the vehicle if he is qualified to do so or have  
18 it inspected by a qualified inspector.

19 Sec. 28.12.110. SIGNS POSTED AT MOTOR VEHICLE INSPECTION STATIONS.  
20 A motor vehicle inspection station, qualified under sec. 50(a) of this  
21 chapter, shall post notification in a conspicuous manner stating whether  
22 or not repairs and adjustments which may be required by an inspector are  
23 available at the station. The notice shall also state that required  
24 repairs need not be made at that station.

25 Sec. 28.12.120. EXTENT AND DURATION OF MOTOR VEHICLE INSPECTION  
26 PROGRAM. The motor vehicle inspection program provided for under this  
27 chapter shall be initiated and operated only in and for the areas of  
28 Anchorage, Fairbanks, Juneau, Douglas and Tok, for a period of two  
29 years. Motor vehicles not located in those areas are not subject to

1 this chapter.

2 Sec. 28.12.130. FALSE OR MISLEADING STATEMENTS. A person who  
3 wilfully and with intent to conceal or misrepresent the identity or  
4 condition of a motor vehicle, makes a false or misleading statement  
5 in connection with the inspection of a motor vehicle is guilty of a  
6 misdemeanor, and upon conviction is punishable by imprisonment for not  
7 more than one year, or by a fine of not more than \$1,000, or by both.

8 Sec. 28.12.140. DEFINITIONS. In this chapter

9 (1) "commercial vehicle" means any motor vehicle used by the  
10 owner or his employee or agent in an activity for profit, whether  
11 personal, professional, or corporate, or where the vehicle is subject  
12 to the regulations under, and the owner required to pay fees by, the  
13 "Alaska Motor Freight Carrier Act" (AS 42.10), and the term includes  
14 buses and other vehicles used in public transportation;

15 (2) "motor vehicle" includes every self-propelled device in,  
16 upon or by which a person or property is or may be transported or drawn  
17 upon a highway, except motorcycles, track type vehicles and vehicles  
18 which are prohibited from operating on highways; however, commercial  
19 trailers and semitrailers are included in the definition of motor  
20 vehicle for the purposes of inspection of brakes, taillights, brake  
21 lights and directional signals;

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

24 (4) "motor vehicle repairman" means a person actively  
25 engaged and licensed under Alaska law to do business as a mechanic or  
26 service station operator.

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

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

1 \* Sec. 3. AS 28.10.060 is amended to read:

2           Sec. 28.10.060. VEHICLES REGISTERED ELSEWHERE. Upon registering  
3 a vehicle registered in another state or country, the applicant shall  
4 surrender to the department all certificates of registration, or other  
5 evidence of registration which is in his possession or control. How-  
6 ever, if in the course of interstate operation of a vehicle registered  
7 in another state it is desirable to retain registration of the vehicle  
8 in the other state, the applicant need not surrender the evidence of  
9 foreign registration but shall submit it for inspection, and the  
10 department upon a proper showing shall register the vehicle. However,  
11 the department shall not issue a certificate of title for the vehicle.  
12 If the registered or legal owner cannot surrender the out-of-state  
13 title, or in the case of a nontitle state, the registration certificate,  
14 because of an encumbrance or otherwise, the department shall register  
15 the motor vehicle in the usual manner and shall mark the State of Alaska  
16 registration certificate "No Alaska Title Issued." However, the  
17 applicant shall obtain and submit a certificate of inspection required  
18 under AS 28.12 unless the applicant has a valid and current inspection  
19 certificate from a state with which Alaska has a reciprocal agreement  
20 on recognition of inspection certificates.

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

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