

1 IN THE SENATE

BY SACKETT

2 SENATE BILL NO. 262

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of automotive
7 repair shops; and providing for an effective date."

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

9 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

10 (19) Automotive Repair Board

11 * Sec. 2. AS 08 is amended by adding a new chapter to read:

12 CHAPTER 06. AUTOMOTIVE REPAIR BOARD.

13 Sec. 08.06.010. CREATION AND MEMBERSHIP OF BOARD. There is
14 established the Automotive Repair Board consisting of five members,
15 two of whom operate reputable automotive repair shops in the state,
16 and three laymen. Initial nonlaymen members of the board must become
17 licensed under the provisions of this chapter within 120 days after
18 their appointment. Nonlaymen members, other than initial appointees,
19 must be licensed under the provisions of this chapter at the time of
20 their appointment.

21 Sec. 08.06.020. APPOINTMENT AND TERM OF OFFICE. Members of the
22 board shall be appointed by the governor and confirmed by the legis-
23 lature for staggered three-year terms, or until their successors are
24 appointed.

25 Sec. 08.06.030. CHAIRMAN OF BOARD. The board shall elect one of
26 its members to serve as chairman.

27 Sec. 08.06.040. BOARD MEETINGS. The board shall hold a regular
28 annual meeting and special meetings as needed to carry out the provi-
29 sions of this chapter.

1 Sec. 08.06.050. REGULATIONS. The board shall issue regulations,
2 subject to the Administrative Procedure Act (AS 44.62), relating to
3 the examination and licensing of automotive repair shop operators or
4 supervisors and suspension and revocation of licenses and other dis-
5 ciplinary actions.

6 Sec. 08.06.060. EXAMINATIONS. A licensing examination, under the
7 supervision of the chairman or his designee, shall be conducted at
8 least twice during each year at appropriate places in the state.

9 Sec. 08.06.070. INSPECTION OR INVESTIGATION BY BOARD. The board
10 may conduct special inspections or investigations into the work of a
11 licensee which it considers necessary and may issue subpoenas and
12 process compelling the attendance of persons and production of records
13 it considers necessary to properly conduct an investigation or inspec-
14 tion of a licensee. The board may administer oaths, petition the
15 courts to enforce subpoenas and process or to compel testimony.

16 Sec. 08.06.080. LICENSE REQUIRED. A person may not operate an
17 automotive repair shop in the state without the license required by
18 this chapter.

19 Sec. 08.06.090. APPLICATION FOR LICENSE AND FEE. An applicant
20 for a license shall apply in the manner prescribed by the board. A
21 fee of \$100 must be enclosed with each application.

22 Sec. 08.06.100. EXAMINATION OF APPLICANT. Each applicant shall
23 be examined to determine his general knowledge of automotive mechanics
24 and repair work. The board shall prepare impartial exams for this
25 purpose. Exams may be oral, written, or both.

26 Sec. 08.06.110. LICENSING OF APPLICANTS OTHER THAN INDIVIDUALS.
27 Applicants, other than individuals, shall designate a person in a
28 supervisory capacity to take the required examination. He shall be
29 designated as supervisor under the license and may not appear as

1 supervisor under any other automotive repair shop license. If the
2 relationship between the supervisor and the automotive repair shop
3 is terminated, the license is void within 90 days unless another
4 supervisor becomes qualified under this chapter.

5 Sec. 08.06.120. ISSUANCE AND DISPLAY OF LICENSE. A licensee
6 shall receive a certificate indicating the repair shop to which the
7 license applies and the name of the supervisor or the individual to
8 whom the license has been issued. The certificate shall be prominently
9 displayed, while in effect, at the location of the repair shop appear-
10 ing on the face of the certificate.

11 Sec. 08.06.130. EXISTING AUTOMOTIVE REPAIR SHOPS. Existing
12 automotive repair shops holding themselves out to the general public
13 as such shall have 120 days from the effective date of this Act to
14 become licensed under the provisions of this chapter.

15 Sec. 08.06.140. SUSPENSION AND REVOCATION OF LICENSE. (a) The
16 board may suspend or revoke a license upon a finding that

- 17 (1) the application is fraudulent or misleading;
18 (2) the licensee has knowingly permitted a violation or
19 violated this chapter or a lawful order or regulation of the board;
20 (3) the licensee is incompetent, has permitted incompetency,
21 or has permitted or engaged in fraudulent practices.

22 (b) Notice of a proposed suspension or revocation of license
23 shall be given in writing, stating the grounds.

24 (c) Proceedings for the suspension or revocation of a license
25 shall be governed by the Administrative Procedure Act (AS 44.62).

26 Sec. 08.06.150. VIOLATION OF CHAPTER. A person who knowingly
27 violates this chapter or a lawful regulation or order of the board
28 is guilty of a misdemeanor and upon conviction is punishable by a
29 fine of not more than \$1,000, or by imprisonment for not more than

1 60 days, or by both.

2 Sec. 08.06.150. DEFINITIONS. In this chapter

3 (1) "automotive repair shop" means a business which holds
4 itself out to the general public as being capable of performing repairs
5 and maintenance on a motor vehicle as defined in AS 28.15.360(5) but
6 does not include simple maintenance operations such as repairing tires,
7 changing tires, lubricating vehicles, installing light bulbs, batteries,
8 windshield wiper blades, cleaning, adjusting or replacing spark plugs,
9 replacing fan belts and air filters, or other minor maintenance services
10 commonly performed by gasoline service stations; however, no maintenance
11 may be considered as minor and therefore exempt from the provisions of
12 this chapter if the board finds that the performance of the service
13 requires mechanical expertise, has given rise to a high incidence of
14 fraud or deceptive practices, or involves a part of the motor vehicle
15 essential to its safe operation;

16 (2) "board" means the Automotive Repair Board.

17 * Sec. 3. This Act takes effect on the day after its passage and approval
18 or on the day it becomes law without approval.
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